

SENATE—Tuesday, November 17, 1987

(Legislative day of Thursday, November 12, 1987)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. BREAUX].

The ACTING PRESIDENT pro tempore. The prayer this morning will be offered by Msgr. Charles DuBois, of Our Lady of the Lake in Lake Arthur, LA.

PRAYER

The Reverend Monsignor Charles DuBois, Our Lady of the Lake, Lake Arthur, LA, offered the following prayer:

O Lord, God, of our lives You are the source of goodness. We present ourselves at this hour before You as servants sincere and humble of heart. Protect us in our liberty, and in faith reveal Your spirit of truth to us as we pray.

Sustain Your preference within our hearts and give us courage to promote honor and justice among humankind; peace between nations and good will in the hearts of those we serve.

Lord God, do not abandon us as we consider the deliberations of this day. "The finest test of our purpose," O God, "is that it adds to our dignity, our integrity, and our appreciation of the good, the brave and the beautiful."

To this end we commit our lives and our country, for all belong to the mysteries of the Almighty. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, November 17, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN BREAUX, a Senator from the State of Louisiana, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. BREAUX thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADERSHIP TIME

The PRESIDING OFFICER (Mr. GRAHAM). The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that the time of both leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for morning business to extend until the hour of 11:30 a.m.

The Senator from Wisconsin.

FORMER DEFENSE SECRETARIES RECOMMEND RATIFICATION OF INF TREATY

Mr. PROXMIER. Mr. President, on December 7, President Reagan and Secretary Gorbachev will sign a historic arms control agreement. Early next year this body will be called on to ratify or reject that treaty. The treaty would eliminate intermediate and short-range nuclear weapons from Europe. It would not affect the larger intercontinental missiles. Both superpower would have to remove all presently deployed intermediate and short-term nuclear weapons. The Soviets presently have substantially more such weapons in Europe than the United States. So their European nuclear arsenal would be more sharply reduced. On the other hand, the Soviets and the Warsaw Pact would have remaining in place a numerically far superior conventional force than the United States and NATO forces. Some critics of this INF Treaty have contended that although the Soviets would remove more nuclear weapons, the United States and the NATO forces would suffer a relative weakening of their military strength. This is because the elimination of short-range and intermediate nuclear forces would leave inferior NATO conventional forces plus the massive strategic nuclear forces largely located in the continental United States standing in the way of a Soviet sweep to the channel with their superior conventional forces. These critics contend that the Soviets might calculate that an American President would not press the strategic nuclear button that would bring on strategic nuclear forces and surely incinerate the world. President Reagan himself has said that a nuclear war can never be won and must never be fought. He has contended that there would be only losers from such a total catastrophe.

Mr. President, it has been reported that there are a number of Senators who might oppose the proposed treaty. If so, the Senate would confront the first major controversial debate on an arms control treaty with the Soviet Union in a very long time. Because a major Senate challenge to the INF Treaty could involve such a serious threat to the whole process of arms control, because the debate over this treaty could color the prospect of future progress in arms control, this Senator calls to the attention of the Senate a discussion of a few weeks ago that involved seven of this country's former Secretaries of Defense. This was the so-called annual report of the Defense Secretaries. It was carried on the Public Broadcasting System on September 25 of this year.

Four of the Secretaries served Republican administrations. Three served Democratic administrations. All are, of course, now independent of any administration's obligations. Each can speak his mind freely and fully. And together these men represent the most seasoned and expert opinion on military policy and military security that could be assembled. These former Secretaries are fully informed on the problem of defending the free world and they have had the prime responsibility for doing exactly that over the 20 years between 1961 and 1981.

So where do these experts stand on the INF Treaty? What advice do they give to us in the Senate? When these former Secretaries appeared on September 25, the first question they were asked was whether they would recommend the INF agreement or oppose it. Their answers were almost unanimous. With one partial exception every one of these seven former Secretaries of Defense supported the treaty. The individual statements are instructive: In order of their service as Secretary of Defense here were their specific responses:

McNamara:

It is militarily of little importance, but politically very significant. It will lay the foundation for the major arms control agreements that lie ahead.

Clifford:

I support it without qualification. This treaty applies to only three percent of the nuclear weapons that exist in the world. The big task lies ahead.

Laird:

Yes, I would recommend this to the President * * * this is a first step towards a major breakthrough in arms reduction.

Richardson:

I would certainly recommend going forward with it, and I think it should be seen as a significant step toward further arms control measures.

Schlesinger:

Arms control is intended in the long run to increase strategic stability and discourage instability during a period of crisis. This arms control agreement does not do that. But one has to start someplace, and this is a place to start.

Rumsfeld:

Possibly. Certainly within the four corners of the agreement it is a good agreement.

Brown:

On balance this is certainly in the U.S. interest. * * * It certainly should be approved. It is much better than having no agreement.

Of the seven former Secretaries, only Rumsfeld did not make a flat recommendation in favor of the treaty. He told the panel he would "possibly" recommend it. In his full answer he raised the question of the instability the agreement might promote because of the imbalance of conventional forces.

All together these responses include every Defense Secretary who has served this country from 1961 to the present administration. They represent a resounding and impressive endorsement of the INF Treaty.

I hope colleagues in this body will keep in mind the views of these extraordinarily well-qualified experts. We should. These men have served on the front line of responsibility for the security of our country. It would be hard to find seven persons better qualified to advise the Senate on the national security consequences of the INF Treaty.

CONGRESS SHOULD REFUSE TO CUT SOCIAL SECURITY COLA'S

Mr. PROXMIRE. Mr. President, talk still persists that the grand summit compromise on reducing the budget deficit will include a reduction in Social Security cost-of-living adjustment benefits. Mr. President this is wrong, wrong, wrong. President Reagan was 100 percent right when he announced at the beginning of these negotiations that Social Security was off the table. It should be. Indeed, it must be. Reducing Social Security cost-of-living adjustment benefits makes absolutely no sense for the following reasons:

First, the Social Security system is not only in balance it is running a surplus and a very large one. This year that surplus will be and get this—\$37 billion. I repeat the Social Security system is not only in balance. It is running a \$37 billion surplus. There's even more. The Social Security surplus will swell to \$50 billion by 1992. That isn't all. It will continue to grow for the next 25 years. Now get this. By 25

years from now in 2012 the Social Security reserve or surplus will total more than \$5 trillion. That's right, \$5 trillion. It will be two times larger than the present national debt. By the year 2030, it will exceed an astonishing \$10 trillion. All of that reserve has been pledged for one purpose. It cannot and it certainly should not be used for anything except paying benefits to Social Security retirees. It cannot be used to pay for national defense, for environmental protection, for housing or for any other purpose. It can pay benefits to retirees. That's it.

Second, we should not tap the Social Security reserve for any purpose except retiree benefits because it is based on a regressive tax. That is this payroll tax hits low-income persons harder, and I mean far harder than high-income Americans. The Social Security tax is paid by employers and employees—all of it directly or indirectly comes out of wages and salaries. Every American earning less than \$42,000 a year pays precisely the same percentage of his earned wage or salary income in Social Security taxes whether he makes \$1,000, \$10,000, or \$42,000. But get this, after the worker earns \$42,000 he pays nothing in Social Security taxes on his additional income above \$42,000. Now consider what that means. That means that a Member of the Congress earning \$89,500 will pay half as much in relation to his income as the great majority of his constituents who earn \$42,000 or less. I repeat. We in the Congress pay only half as much in Social Security taxes in relation to our income as the great majority of our constituents. The \$500,000 a year chief executive officer of a major corporation will pay only one-tenth as much in Social Security taxes as Americans who earn \$42,000 or less. Again I repeat, the chief executive officer of a corporation who makes \$500,000 a year will pay only one-tenth as much of his income in Social Security payroll taxes as the great majority of Americans who earn \$42,000 per year or less. How do we justify hitting small earners harder than big earners? How do we justify hitting small earners harder than big earners? Here's how: The Social Security tax is unlike other taxes. It is segregated for one purpose: Paying benefits to retirees.

Third, for most Americans their Social Security payroll tax is their biggest tax. The heaviest tax they pay. This is true for all one-earner families making \$30,000 per year or less. It is true for all two-earner families making less than \$40,000 per year or less. In spite of this heavy contribution, the typical benefit today is modest, very modest. For millions of retired, elderly Americans, Social Security benefits provide the only or far away the biggest share of their income benefits.

For a husband and wife receiving Social Security, payments are about \$10,000 on the average. The maximum is about \$14,000. For those persons and families in which only one member—husband or wife—is eligible for Social Security, the average benefits are about \$6,500. This means that for families with both husband and wife receiving Social Security benefits, the total is less than one-third above the poverty line. And for the families relying on one earner eligible for Social Security, the benefits are actually below the poverty line. This means that even if full cost-of-living benefits are paid millions of Social Security recipients—the great majority of them will be doing little better than making both ends meet. Most Social Security recipients—with full cost of living paid will live in dignity—but barely. Millions more won't make it even with full COLA's. Certainly if the Congress reduces the COLA even modestly, many Americans will be hurt and painfully hurt.

Fourth, we should not cut Social Security COLA's for another reason. A decision by the Congress to reduce the Social Security COLA at a time when the fund is running a massive surplus and on its way to a \$10 trillion reserve would provide a terrible precedent. There is going to be an enormous temptation in the future as both the national debt and the Social Security reserve swells to dip into the Social Security account to pay for everything from national defense to interest on the national debt. Why not? It will be said that back in 1987 the Congress started the trend. It slashed the Social Security cost-of-living adjustment at a time when many social security recipients were living below the poverty line. Why did that Congress in 1987 do this? Did we do it to save the Social Security reserve? No way, the Social Security reserve was running a massive surplus, equal to more than one-fourth of the entire deficit. Congress cut Social Security COLA's although the refund was heading for a multi-trillion-dollar reserve. Future Senators will argue that obviously the Social Security COLA cut was not designed to provide benefits to Social Security recipients. So it must have been designed to provide funds to meet other responsibilities of Government otherwise the cut would be senseless.

Let me challenge any other Senator to state what purpose the billion or two or three we save in cutting Social Security COLA's serves when Social Security is running such a tremendous surplus.

I also challenge any Senator to tell me how he can justify denying a Social Security COLA payment that is necessary to keep millions of Social Security recipients at or just above the poverty line. Here is a Social Security

payroll tax that can only be justified in its concentration on low and moderate income earners because the benefits are paid on a social insurance basis to those same earners. And the Congress is being asked to cut the COLA benefits necessary to maintain a poverty or near-poverty income. When this proposal comes to the floor, this Senator will vote against this proposal and do everything, and I mean everything, I can to defeat it.

Mr. BYRD. Mr. President, this period this morning has been programmed for morning business to give Senators an opportunity to speak on various subjects, the consent of the Senate having been given to speeches by Senators.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD. Mr. President, rather than have the Senate in a quorum call awaiting speakers, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 9:38 a.m., the Senate recessed, subject to the call of the Chair.

The Senate reassembled at 9:47 a.m., when called to order by the Presiding Officer [Mr. GRAHAM].

(The remarks of Mr. LEAHY at this point relating to the introduction of legislation are printed later in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD, Mr. President, I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair.

There being no objection, at 10:08 a.m. the Senate recessed, subject to the call of the Chair.

The Senate reassembled at 10:16 a.m., when called to order by the Presiding Officer.

The PRESIDING OFFICER. The Senator from Oklahoma.

THE ECONOMIC CRISIS

Mr. BOREN. Mr. President, the distinguished Senator from Kansas [Mrs. KASSEBAUM] is on the floor, and at this time she controls the time on the other side of the aisle in this matter this morning.

At this time, I yield to the Senator from Kansas for her remarks about the budget crisis we now face in this country.

Mrs. KASSEBAUM. Mr. President, I appreciate the Senator from Oklahoma yielding to me, and I appreciate his valuable assistance with respect to our initiative this morning.

Many of us who will be speaking on the proposal for a 1-year budget freeze have advocated this since 1984.

I believe that we are faced not so much with an economic crisis as an opportunity to make a difference. Our concern is that this opportunity may be fast fading. A number of us are going to be speaking and are supportive of an initiative which we feel could help us address, in a significant manner, the economic challenge before us. Certainly, the message has come from around the world that other nations are looking to us at this time for leadership.

This effort is not in lieu of the negotiators who have been working very hard on the economic summit that has been meeting for a couple of weeks, but it is in support of the efforts of those negotiators, because we are running out of time.

In 1984, when what was called the KGB plan was first introduced, we were advocating a freeze across the board for 1 year, including everything. At that point, significant savings would have been realized, approximately \$23 billion. But what was more important was that the cumulative effect of a 1-year freeze would have amounted, at this juncture, to \$128 billion worth of savings over those 3 years—just from the 1 year. What we believed was important then was that this was an equitable way to address our budget problems. It could put everything on hold while we analyzed the current situation we were in and the priorities we need to address in our budget responsibilities.

If today we enact a 1-year freeze across the board, which we are advocating, the savings will be about \$17 billion. Again, it is the cumulative savings in the outyears that will be important.

We are also in support of a \$13 billion revenue increase, making it a \$30 billion package. These are precise, definite savings and revenues. There is nothing about a phony increase or outyear savings. It is there and before us and clearcut.

Many have said that this is a simplistic approach to the budget. Many have said it is too politically sensitive because it does cap the cost-of-living adjustments on all of the pension programs, including Social Security.

Yes, it is sensitive and it is difficult. But if we do not take such action at this point, I am convinced that both the elderly and the young in our Nation are going to suffer in future years because we will not have the option available to us to do what will be necessary.

I do not think at this point it is either simplistic or insensitive. I think as a matter of fact it is responsible and the reason that we have to look to the entitlements as well as defense, as well as revenues, three sensitive areas of the budget, it has been politically determined that is where the money is. We simply cannot fence them off and

ignore them and believe that we can waive a magic wand and accomplish what we would like to accomplish.

This is a bipartisan effort with the same number of Democrats as well as Republicans who believe the time has come for us to take a very firm and determined stand.

Our effort in 1984 was a bipartisan effort, and this is a bipartisan effort as well because what is at stake is more than a political issue between both of our parties. It is, I think, the ability to show we have confidence that we can govern and that is the larger issue which I think is of vital importance.

Thank you, Mr. President.

I yield the floor to the Senator from Oklahoma, Mr. BOREN, who supported this effort in 1984 and has been very supportive of our undertaking this opportunity at this particular point.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. I yield myself as much time as I might require.

Mr. President, I congratulate the Senator from Kansas for her leadership again in this critical area of doing something meaningful to reduce the budget deficits which are facing this country.

People out across the country, our constituents, the people who sent us here, the people who pay our salaries, are asking what in the world is it going to take to wake up the Members of Congress and the administration, our political leadership, our elective leadership in both political parties to the fact that something needs to be done. Is a 500-point drop in the stock market enough to wake us up, to make us realize that we have been living beyond our means long enough and pretending that it was not a problem for this country? They are saying what is it going to take? Days, even weeks, have gone by since we received that warning signal. And we have yet to come up with an agreement to meaningfully reduce those deficits.

Mr. President, instead we have been wrangling back and forth like children on the schoolground trying to cast blame from one political party to another, trying to cast the blame between the White House and the Congress. It is time we stopped arguing among ourselves. It is time that some leadership was exerted. It is time that we have the courage to face the American people with the fact that sacrifice is going to be demanded of all of us if we are going to turn things around in this country before it is too late.

Mr. President, as usual the people are ahead of the politicians. They know we cannot continue to live beyond our means. The people know that it is eroding the economic strength of this country, that it is diminishing opportunity for the next generation, that it is going to lead to

an economic crisis in this country if we do not get together and do something. And the American people, when faced with a challenge, have always been willing to band together, unified as one people, get in the same boat together, pull together, and make common sacrifice to do whatever is necessary to help this country.

The American people are not a selfish self-centered people. This generation does not want to steal from the next generation. The American people are willing to make sacrifices, as long as all of the people join in it together and as long as it is fair, to turn the situation around.

It is not a failure of the American people. It is a failure of political leadership and political courage. The burden and responsibility is on the Senate of the United States and we must share our portion of the blame, and if we do not do something quickly, history is going to judge us harshly.

It will be like the person who suffers a serious warning signal of an impending heart attack and does nothing to change his ways in order to protect his health and future security.

How long are we going to wait, Mr. President? What is it going to take?

Several days ago I stood on this floor and urged the President of the United States to take the political leadership, for the Congress to take political leadership, to get in a room together and negotiate together until they reach an agreement. I believe that would work. Neither side would have wanted to leave without reaching agreement because they would have known what a failure to reach an agreement would have done to morale and confidence in the country. Neither side would have been able to interrupt the flow of meetings to go out and hold press conferences to try to follow negotiating strategy with the other side. One party would not have been able to play off the set of ideas against the other party. They would have had to work together as Americans, which is what this situation demands.

The time is wasting. It will be disgraceful if this Congress completes this week of business without an agreement being reached. What kind of agreement should it be? Should it be one that merely meets the minimum Gramm-Rudman deficit reduction of \$23 billion? Should it be one that does it with falsified estimates and with smoke and mirrors, one which does not really call upon the American people to make the sacrifices necessary to solve the problem?

Mr. President, people will see through that. The economic markets will see through that, as well they should.

No, we must do better. We must come up with a plan in which each and every American contributes something to this country to help turn the

situation around. The American people are willing to do that. Nothing should be ruled off limits and no group should be considered privileged when it comes to the necessary sacrifices that must be made to help the country.

I think it is an insult to the patriotism, for example, of our senior citizens when they are told, "Well, we want to rule off limits any sacrifice on your part." They are the people who built this country. Many of them went through the Depression. They know what happens when a country lives beyond its means economically. They of all people are willing to do their fair share. They should not be asked to do it alone. No, Mr. President, the congressional budgets, congressional salaries, should be a part of this agreement as well, and if we are going to freeze cost-of-living increases we ought to freeze congressional budgets and freeze every other element of spending. We cannot rule off limits defense spending which is approximately one-third of our budget and still say we have fairly apportioned the sacrifice across the board. We cannot rule off limits those in the upper incomes.

Therefore, the plan which has just been presented by the Senator from Kansas is one which asks all Americans to get into the same boat together. It exempts no spending program. Every person in this country who benefits from a Government program would sacrifice a little bit. Every person who is doing well economically in terms of additional revenues which would be paid would sacrifice a little bit.

No one sector would be called upon to bear more than their own fair share of the sacrifice.

Once again we can be one people united with a common purpose working together, sacrificing together for the future of our country. That is what the American people are willing to do. That is what the American people will do if we in the Congress and those in the White House band together and demonstrate the political courage to talk to the American people and tell the American people the truth. The American people are ready and willing to respond.

Mr. President, this package would not get us in the trap we have been in the past where additional revenues have merely been used to fuel additional Federal spending. Any revenues generated from this package could be used for one and only one purpose—deficit reduction. This Senator would never support, would never support, a revenue increase at this point if it were merely going to be used for additional Federal spending. It must be used, it must be used, to reduce the Federal deficit.

It is a balanced package. More of the cuts in the deficit would come from

spending reductions than would come from revenue increases. And when all is said and done, we would have real deficit reduction, not something done by sleight of hand, not something done by manipulating the estimates, not something done by smoke and mirrors.

It would be a deficit reduction brought about not by the sacrifice of one group of Americans played on against another group of Americans, not paid for by one group of Americans while another group of Americans stayed on the sidelines. It would be a deficit reduction in which all Americans join in sharing.

Mr. President, the American people are concerned. There is an element of fear out across the country about where we are headed economically. It is not that the American people have lost confidence in themselves. It is not that the American people are afraid that the spirit of this country is not ready to respond to challenge.

Time and time and time again the American people have indicated the will to deal with the crisis. They have indicated the ability to be united in the face of adversity. Whether it was the Great Depression of the 1930's, the shock of Pearl Harbor, the challenge of World War I, whether it was the expansion of communism as reflected in the Korean conflict, time and time again the American people have responded courageously and unselfishly to challenges facing this country.

The American people do not lack confidence in themselves. They, in fact, are expressing a lack of confidence today because of concern about the failure of those in political office today to provide the leadership that is necessary. The people are ready to do something. The people are ready to sacrifice. They are waiting on the politicians to have the political courage and the political gumption to know what every single one of us who sit in the Senate of the United States knows needs to be done.

Let us not wait, Mr. President. Let us not continue these political games. Let us not continue to behave like children on the school ground. Let us not waste 1 more minute talking about who is to blame. Let us not hear one more speech on the Senate floor about who is to blame. Let us not hear one more word in a press conference from the White House about who is to blame. Let us not hear one more word in the House of Representatives down the hall about who is to blame.

We are all going to bear the collective responsibility. We are all going to be judged by history if we do not get together right now on a bipartisan, American basis and do something about this problem. And if we do not have the courage to put everything on

the table and ask all Americans to join in the sacrifice, history will find us wanting at a critical time in our own history. We will be judged to have handed on a diminished heritage to the next generation.

Mr. President, as long as any of us here can do something about it, we need to exert what will influence each and every one of us to muster to try to turn the tide, to let our leaders know that if they will have the courage to lead and ask the American people to do what they are willing to do, we, each one of us in the Senate of the United States, will muster the courage to follow.

Mr. President, I yield the floor and reserve the balance of the time on this side.

Mrs. KASSEBAUM. Mr. President, I certainly commend the Senator from Oklahoma for a very stirring speech.

Senator EVANS from Washington on our side of the aisle has been a leader in sound and sensible fiscal policy ever since he came to the U.S. Senate and has spoken eloquently on the floor. I commend him again for providing such leadership on this side of the aisle, many times on difficult and unpopular issues. But he has certainly been a leader to be commended for thinking of the country as a whole and I am pleased to be associated with him in this endeavor this morning.

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Thank you, Mr. President.

I thank my distinguished colleague from Kansas for those kind words.

I came as a brand new Senator in 1983 and wondered really what this Senate was going to be like. There were votes, large and small, in that hectic last few months of the 1983 session of Congress.

But it was in 1984 when one of the most dramatic and I think finest hours of this Senate occurred during the course of the last decade, when, by a narrow vote, the Senate was willing to stand up, at times much less difficult than those we face now, and say, "Enough is enough" in terms of spending. Well, if we were willing to do it then, we ought to be willing to do it overwhelmingly now, for these are not ordinary items.

I am dismayed to see just yesterday in the paper the notice that certain organizations had gathered to object to the Congress even considering any attempt to modify in any way the cost-of-living allowances or salary increases for public employees or for those who were drawing entitlements.

One group stood out. The various veterans' organizations of this country have announced and have said that if everyone else is willing, they, too, are willing to wait for a year, to freeze for a year any increase in benefits. And I cannot think of a group in the United

States that has paid more, has paid more, in terms of their lives and their bodies for the benefits they receive than the veterans of this Nation. They are willing to stand up and others ought to be willing to stand up as well.

I think those organizations who say, "Well, we might have problems in this country, we may have budgetary difficulties, but, for heaven's sakes, don't look to us to help resolve those difficulties," they may be so-called leaders, they may be those who claim to represent the people. But I have talked to many of those people they claim to represent, at least in my State, and I am convinced from letters I have received, and people in other States as well, that they are willing to take their share of the burden necessary if it is a burden shared across the board.

Those who would say, "Don't look at me. Give me what I am supposed to get. Get your savings from someone else," ought to look at the alternative. If we fail this fall, we almost certainly will be assuring a major recession for this Nation over the next several years. And is a deep recession better for all of those who may temporarily have achieved a small increase in the cost of living only to find that a recession breeds bigger deficits and that those deficits breed higher interest rates?

And people at this point say, "Well, so what? I don't really know what a deficit does. I really don't know what higher interest rates do." But when you get to the next step, that is when it all comes home to roost, because those bigger deficits and those higher interest rates will ultimately mean higher rents for those very same people trying to get along with limited retirement benefits. It will mean a higher cost of food for those very same people trying to get along. It will mean a higher cost of medicine and a higher cost of clothing and a higher cost of everything that people need just to survive.

What good, what good, is a small cost-of-living allowance if the price you pay for it will be soaring inflation which far more than eats up any benefit of that cost-of-living allowance?

Never before, Mr. President, have our actions been so important as the actions we either will take or will fail to take in the next few days. The leadership committee, which has been put together to work with the White House on an appropriate postbudget-cutting measure, has struggled. They have struggled for weeks now. As my distinguished colleague from Oklahoma said, they have interrupted their struggles just for enough time to have press conferences and point the finger at one another: Those who they claim have failed to come together on a compromise.

Mr. President, in talking to my colleagues here in the Senate and in lis-

tening to what is going on in the leadership struggles, I believe that there may well be more support among the membership than there is leadership among the leadership. I believe we can and would take stronger and better steps, given the opportunity to do so, and I hope we will have that chance in the course of the next several days. It is not just Wall Street watching us. There are too many who believe that this whole market failure of the last month or two is something that is distant and irrelevant to our lives. But it is not just Wall Street, it is Main Street as well, watching what this Congress does or fails to do.

Will we act? Will we provide real savings? Will we move toward the kind of budget balance that every citizen of this Nation is required to face, every State in this Nation, every city in this Nation, every level and unit of government outside of the U.S. Government?

I believe that a true freeze at last year's level, across the board, is the simplest, best, fairest way we can achieve the savings that will capture the attention, not just of Wall Street, but of Main Street as well. That freeze guarantees that everyone will receive as much as they had last year. No cuts; nobody worse off than they were last year; everybody guaranteed to remain at the same level. That, in itself, is going to help keep inflation down. That, in itself, is going to help make sure that each dollar we have to spend, whether as an individual or a governmental agency, will be worth the maximum amount.

Mr. President, I would suggest one other thing before I sit down and that is that we not just talk about a freeze, but that we implement one. I believe that if the leadership cannot meet the deadlines of the end of this week, if we are on the eve of a sequester, we should not back away from the cliff by simply extending the date. Rather, I believe we ought to put forth an alternative, an alternative that would implement a freeze coupled with a reasonable amount of revenue increase to create a package of from \$33 billion to \$35 billion, and put it forward as an alternative. We would be saying: instead of a sequester going into effect, this freeze would be far fairer and better and more across the board and would include some element of revenue to go into effect unless leadership came forward with a package which they found to be sounder and better.

Then we would be protected, Mr. President. We would have spoken and spoken loudly and clearly. We would have in place an alternative far better than the sequester we would otherwise face. I suggest that that is far better than for us to simply dodge the bullet for another week or 2 weeks by extending the deadline at the end of this week until mid-December, giving our-

selves just 1 more month to fuss and fume and negotiate and argue and blame and do everything under the Sun but the one thing we should do, and that is to solve the problem which we know exists. We know its magnitude. We know how to solve it. It is time for us to step up to the plate and do that job.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I yield time to the Senator from Idaho, [Mr. McCURE].

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCURE. Mr. President, I thank the distinguished Senator from Kansas for yielding this time, and I commend her for the leadership that she is exerting in coordinating the activities of many of us who are joining in an effort to focus on a solution to a problem that is far too serious for us to ignore.

Mr. President, I have been listening to the statements of the Senator from Washington, the Senator from Oklahoma, others who have spoken on this subject today, and I have very little I disagree with in anything that has been said. I think there is an absolute urgency to deal with the budgetary problems of this country in a way which is much more dramatic than I fear will come from the current negotiations under way. I very much fear that what is happening is that each person involved in the negotiation, each individual from a different perspective, has a veto power or exercises a negative influence upon any one of the collective judgments that otherwise might occur, and we will end up with the least common denominator, which will probably yield the least favorable results.

I say that with all due respect to the people that are negotiating because I have some idea of the difficulty of forming a consensus where there are such strongly held views about so many contentious issues. But, Mr. President, this is not an ordinary time. This is a time when the events demand solutions to very basic problems, and this is also a time when, happily, the events also compel agreement. It is in the presence of these kinds of events that large decisions can be made. There are much greater opportunities than is ordinarily the case in the legislative process.

What is it that we need? We need to recognize, first of all, the fundamental difficulty of dealing with a budget deficit that has become so thoroughly ingrained in our body politic that it is difficult to deal with its component parts individually. Everyone who looks at the budget, as many of us have had to do over the last several years, recognizes that, indeed, you cannot deal with the budget piecemeal. It is impossible, as the distinguished Senator

from Mississippi knows. It is impossible to balance this budget by dealing with just one or two issues. They are all interrelated. They are all important.

I am one of those who believes that it is wrong for us to try to balance the budget by raising taxes, but I do know that there are people on the other side of that issue who are equally adamant in their opposition to slashing expenditures sufficiently to do it. When you have one irreconcilable position that says we must cut spending and not raise taxes and another that says we cannot cut spending enough, we must raise revenues, and neither side will budge, you have a budget deficit; and you have a national debt that now is well over \$2 trillion, that within 5 years will be \$3 trillion, unless we find something, some solution to that problem of burgeoning growth of Federal spending.

I focus from my perspective on the side of the growth of spending rather than the revenue side. But I have said for some time the deficit will destroy this country as surely as any enemy outside could destroy this country. If we do not solve the problem of excessive spending we will certainly fail in all other efforts.

There is not any way for us to provide all the money for defense that this country must have if, indeed, we have a deep recession, economic turmoil, and economic weakness for this country.

On the other hand, there is no way to solve the budget deficit by raising taxes alone because it will slow economic growth, it will slow the revenues to our country, and the growth of spending will outstrip the increased revenues under a higher tax rate.

But that is my own view and I know others around here do not necessarily share that. If we cannot find a consensus on one course or another, then we must find compromise between irreconcilable viewpoints lest this Nation fail. It is for that reason I have said that I will join with people who disagree with me. They insist on tax increases and I insist on spending cuts. I will join with them on a package that does some of both if, indeed, it is a genuine and honest effort by people on both sides to accommodate the different point of view.

Those of us who have served in this body or in the other body across the Capitol for some years know that we have differences between the Senate and the House occasionally on almost every bill, as a matter of fact, and those differences get resolved in a conference in which the people understand that there will be no legislation until there is a meeting of the minds somewhere between the two positions.

It is that attitude that we need today, a meeting of the minds somewhere between the two positions so

that we can resolve the problem that wracks and will ruin this country if we do not solve it.

I am ashamed, Mr. President, of the inability of the political process to produce results that this Nation demands and must have. I am ashamed when I talk to high school groups or college young people when I have to look at them and tell them that I understand that my generation has built up a national debt of \$2.3 trillion and heading toward \$3 trillion and the consequences that it has for them.

We know today that half of all the personal income taxes paid, half of every payment that is made by every working man and woman, every businessman in this country in personal income taxes, that goes to the Federal Treasury of the United States, half of every such payment goes to pay the interest on the national debt. It is not current spending, not to spend for the future of this country, not to reduce the debt, just to pay the interest on the debt.

That means for all the young people that I may have the opportunity to speak with I have to tell them that for the rest of their lives half of all of their personal income taxes that they will pay will go to pay the interest on the debt that we create.

That is obscene. There are scarcely strong enough words to describe the revulsion that I have when I have to speak to young people and say, "Indeed, you are going to pay that kind of penalty for the indulgences that our generation have permitted ourselves in voting for spending that we cannot pay for."

Mr. President, some will say it is defense spending that is causing the problem. That is simply not true. As a matter of fact, 6 years ago the national defense budget was nearly one-third of the total budget of the Federal Government, about 33 percent. Today it is less than 27 percent of the total budget, which is not to say that defense spending has not risen in the last 6 years. It is to recognize that other spending has risen more rapidly and, therefore, the percentage of the Federal budget going to defense is less today than it was 6 years ago.

To put it another way in very simple terms, the budget deficit is a hard thing to catalog, but the United States has about a billion dollars a page, and it looks like an old Sears, Roebuck, catalog in thickness, and it is about a billion dollars a page.

In that budget, we deal with thousands of items, literally thousands of items. There is no way any one of us can go through that budget and look at it item by item and tell you exactly how we would solve the problem by pruning this little piece or that or adding here or subtracting there. But we can break it down into manageable

terms if we will recognize that the budget is comprised of four major items, in general.

One is defense spending, now less than 27 percent of the total.

Another is the discretionary spending, which is about 15 percent of the total.

The third is the entitlement programs, now 43 percent of the total, or a little better.

And the final one is interest on the national debt, again about 15 percent of the total.

Those figures change a little from month to month as estimates vary, but that is the ball park division: defense, discretionary spending, entitlements, and interest on the debt.

Let us assume for the moment that we freeze defense, not 1 penny more. Make them get by with what they have today. Let us allow the entitlement programs to continue to grow as they have, as the laws call for them to do with automatic formulas, automatic cost-of-living adjustments, and all the rest of the devices by which entitlements are defined and grow.

Take interest on the national debt. There is not much you can do but pay it.

Let us look at all the discretionary programs of Government together and wipe them all out, not one penny more, nothing, zero.

Pay defense, no change in entitlements, pay interest on the national debt, and wipe out everything else and you would still have a budget deficit. It might just about balance in 1988. But you have to go back and raise taxes every year in the future in order to pay for the growth in the entitlements programs.

Everyone knows that is true. Some do not like to admit it, but it is true. It is a fact. If you look at the budget in that way, you must recognize that until we have the political courage to deal with the entitlements programs, we will never solve the budget deficit crisis. That is really where we are hung up today.

Those who will not touch entitlements, no, we will not touch them, COLA's are sacrosanct, we cannot touch that program, it is too politically sensitive. We cannot touch that program because there are too many people in need, and indeed there are, who are affected by it, and we cannot touch it.

We cannot raise taxes because people like myself think that is the wrong thing to do.

But when we take all of the negatives together it says we cannot solve our problem, and I refuse to accept that. I think we can solve the problem. We must solve the problem. It requires not leadership of a single person kind, who says, "Here is the answer and everybody else fall behind," but leadership of the collective kind that says

any number of men and women in this body and in the other body together with the President of the United States can indeed put together a package that will solve the problem. A freeze across the board in my judgment is the easiest, fairest, most dramatic way, because it not only reaches each of the elements, but it also shares the sacrifice.

I believe, as the Senator from Washington said a few moments ago, Americans in every walk of life, in every station, in every area of the country, are willing to make a sacrifice for their fair share. I believe that that is possible for us to do.

So, again, Mr. President, I commend the Senator from Kansas for coordinating and providing a spark of leadership for those few of us, at least, who are willing to speak out in the hopes that those few of us become more and become many and become the majority in this body and in the other body, and, together, the Congress of the United States can persuade the administration that, indeed, the times demand that kind of action.

I yield the floor.

The PRESIDING OFFICER (Mr. HARKIN). The Senator from Delaware.

Mr. BIDEN. Mr. President, before I begin, let me apologize to my colleagues and to the Chair for my voice. I have a bad cold and I hope I can be heard.

Mr. President, there is a little bit of *deja vu* for the Senator from Kansas and I and several others this morning. From as far back as 1984, we proposed a budget freeze. We argued then that although freezing the budget did not totally solve the problem, it would bring this country up short and make us all face the dilemma that we were in and we all knew was going to get worse every year. I think our high watermark was convincing 30 or so of our colleagues to vote for the Kassebaum-Grassley-Biden-Baucus freeze that was dubbed by our opponents at the time as the KGB plan. But in hindsight—and I might note that I have not always been right. There are votes I have cast and initiatives I have suggested in the past that I would not necessarily want to be reminded of now, but this is not one of them—had we moved on freezing the budget in 1984, we would be a good deal further away from the problem we now face. But that is not an excuse not to come to the floor to try again.

We are all aware that the budget summit is occurring. It is interesting that we refer to it as a budget summit. This may be the first administration and Congress where the mere fact that they got together was referred to as a summit, as if they were warring factions of foreign governments sitting down to sign a peace treaty. We have a budget summit going on now, and there is an attempt to get all sides to

recognize what we have known for a long, long time, that we have to do something about revenues, that we must address the COLA question, it is a requirement that we look at discretionary spending, and that defense be part of any package.

There is an old expression that politics make strange bedfellows. The fact that the Senator from Idaho and I would be speaking on the same measure, and we disagree on so much, does nonetheless not take away from the fact that all of us have to yield some to get under control what we all know if we fail to get under control may be the literal undoing of the economy of this country in the short term. Currently, we are experiencing some economic jitters, to say the least, and that is not at all surprising for America is deeply in debt. Our Government is deeply in debt. American consumers are deeply in debt. Business is in debt, and for the first time in a long, long time, even more than it was in 1984, when we made this proposal, the debt is not owed to ourselves. I used to hear when I came to the Senate 15 years ago, when someone would mention the national debt, "Why worry about it? We owe this money to ourselves."

Well, we no longer owe the money to ourselves. We owe the staggering amounts of money, which make up significant portions of our national debt, to foreigners. We no longer owe it to the banker in New York or California. We owe it to France, Germany, Japan, and other parts of the world.

Because we owe it to others, we are in a very delicate balancing act. In order to bring down the deficit, or at least gain control of it, we have to do it in such a way that we do not cause or contribute to an economic downturn or recession, thereby diminishing the inclination of foreigners to continue to invest in this country. We need their money to pay for our debt. So it is a very, very delicate balance.

When I have spoken to this issue in the past year or so, I have been asked by the press, as we all have, "What would your proposal be were you in charge of the budget?" I laid out in some great detail how I would not only stem the problem but I believe correct the problem. My way of doing it would be fundamentally different, for example, than the way the Senator from Idaho would do it. My way spoke to some massive changes in everything from the farm program to not only defense spending but defense programs, eliminating systems. You do not get a whole lot when you cut \$2, \$5, \$20, or \$30 billion from defense unless you cut programs. You have to take out chunks of that budget because it is systemic. If you delay building the aircraft carrier for 1 year, you save yourself \$300 or \$400 million. But you really save, if you eliminate the carri-

er, for one example, \$1 billion the following year and \$2.5 billion the third year, because by the time the carrier is completed and the planes and personnel are put on it, you are talking about several billions of dollars.

To merely go in and cut several hundred million dollars from the budget in a generalized way without eliminating the program is not doing much good. You are just delaying the inevitable and, as my friends who want to spend more on defense would point out, you are increasing the overall cost eventually because you are delaying the program.

I would also point out that the same can be said for our unwillingness to deal with other programs. The Senator who is presiding, Mr. HARKIN is a man who knows a great deal about what I am about to speak, the American farm program. We continue to subsidize farmers who, in fact, do not need our help, while those who desperately need our help are dying financially and some literally. Yet, if we go out and talk about cuts in the farm program without changing the program, we are not doing much good.

But the point that I want to make is this, and I will yield because my friend from South Dakota apparently has a problem with time. I have a plan. We all have a plan. We all know what we would do. I hope we all know what we would do were we sitting down at 1600 Pennsylvania Avenue submitting the budget. The budget plan that I proposed would cut the budget short term and long term even more than the freeze would. But, folks, we have to come together. We have to do something now. And the most equitable way to do it, the fairest way, the way that I believe the American people will accept is if everybody, every single, solitary program without exception is part of this package and if we also raise revenues. The proposal that we have suggested will reduce the deficit by \$30 billion, about \$13 billion of that in revenues, the rest in freezing the budget. But I would conclude by saying to you that it is an essential first step. Once we do that, we then have to reorder the priorities in the budget.

I will, in deference to my friend from South Dakota, yield the floor.

Mr. BOREN addressed the chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, the Senator from South Dakota is getting ready to speak and I will not intrude upon his time but I congratulate the Senator from Delaware for his remarks and also thank again the Senator from Kansas, the Senator from Washington, and the Senator from Idaho, who have spoken on that side of the aisle. The Senator from Minnesota will speak very shortly. This demonstrates the very broad bipartisan

support for meaningful action to do something about deficit reduction.

I have been asked by Senator HOLLINGS of South Carolina and Senator BAUCUS of Montana, who are both chairing committee meetings at this moment, to announce that they, too, strongly support this concept and were it not for the fact they have committee responsibilities, they would be on the floor speaking on and joining in this effort. They are hopeful that those hearings will end in time for them to arrive before the proceedings are completed.

So we have this morning a very strong bipartisan display of support for this kind of across-the-board shared-sacrifice approach for meaningful deficit reductions.

Mr. DASCHLE addressed the Chair. The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. I want to be very brief. There are some speakers who are waiting to speak, and I want to thank my friend, the distinguished Senator from Minnesota, for allowing me to go at this time. We all have busy schedules, and his is just as busy as mine. And I am very grateful to him for allowing me a couple of minutes.

So in the order of brevity let me express my gratitude to him, and also to those who are sponsoring this colloquy this morning. It could not be better timed. The importance placed upon bipartisanship on this issue is critical. Sometimes I wish as we look over the desks here in the Senate that there would not be a Republican side and a Democratic side, that they would all be intermingled, that somehow we could put partisanship up on the shelf and deal with these issues not as Republicans or Democrats, but as American people interested in solving the problems we face. There cannot be a more critical problem than the one we are addressing this morning.

I am concerned for at least two reasons. First, as was stated by the Senator from Idaho and others, this is not just a budget issue, and it is not just a security issue. I do not care how many missiles we have, I do not care how many people we have in uniform, and I do not care how many airplanes we have. If we are indebted to four nations for more than half of the Federal debt accumulated we have a national security problem. So from the issue of national security this issue has to be addressed at least as effectively as any other issue dealing with defense. We are not doing that today.

The second concern I have with regard to this debt deals with the young people here on the floor, those in the galleries, and others who feel as we do the ominous threat that this poses to our future. In 1938, that part of the Federal debt on a per capita basis that each and every one of us owed was a mere 26 cents. That was

1938, 10 years prior to the time I was born. This year for someone born in the world today that share of the debt is more than \$8,500. By the end of this decade it is expected to be \$11,000; and by the year 2000 at this rate it is going to be \$21,000 when in 1938 it was a mere 26 cents.

What kind of a legacy is that? What does that say about this generation and the responsibility that we have to solve the problems we face as we are confronted with them here on the floor? It really does not do any good for us to look back and deliberate about how it happened. History speaks for itself. We know how it happened. I suppose if there is one thing I could do in my 9 years in the Congress, if I could do it over, it would be to vote against that 1981 tax cut. But that is history.

If there is one thing I can do in the next 9 years or whatever time I have here in the U.S. Senate, it is to address this issue of national security. It is to say to the next generation we are going to come to grips with this issue because we recognize the importance of it. And let us understand that this debate over budget, one for which we have come up with every ingenious device structurally and bureaucratically to address, has failed thus far. In my view, we failed because every time we debate the budget, we debate the priorities. Conservatives want more in defense; liberals want more in entitlements; some people want taxes and some do not. But the bottom line is these debates have not been budget debates. They have been priority debates. We have to come to the conclusion here there is only one priority when it comes to our future and when it comes to the strength of our Nation. That is resolving this budget issue. That is why this colloquy is important. That is why what we are saying this morning is important. That is to me the importance of a freeze. We take away the priorities debate. The budget becomes the priority, and in that we are creating a freeze which provides us with a mechanism by which we can accomplish a fair resolution to the budget problems we are facing in 1987.

Once again, I thank my distinguished friend, the Senator from Minnesota, and I yield the floor.

Mr. EXON addressed the Chair.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. BOSCHWITZ addressed the Chair.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Nebraska withhold just a moment, please?

Mr. EXON. Yes.

The PRESIDING OFFICER. The Senator from Nebraska sought recognition first.

Mr. BOSCHWITZ. I ask the Senator from Nebraska if he could yield to me. I have an appointment.

Mr. EXON. For one who has always tried to recognize the right to speak on the floor, I did seek recognition first. I agree with the Chair's recognizing me. I understand that the Senator from Minnesota had yielded to my friend from South Dakota. It so happens the Senator from Nebraska has time remaining. Also, may I ask about how long the Senator from Minnesota intends to talk?

Mr. BOSCHWITZ. Six or seven minutes.

Mr. EXON. I am happy to accommodate my friend from Minnesota. I hope the Chair will recognize him.

Mr. BOSCHWITZ. I appreciate that. The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Thank you very much, Mr. President. I thank the Senator from Nebraska for yielding.

I am going to go down to the White House, and I am going to talk to the President about the budget, and I am supposed to be there at 11:30. So I will indeed be brief. I have talked to about 8 or 10 Senators this morning just in the process of having breakfast. I went jogging and met a couple at the gym, and so forth. We all talked about the budget. All Senators that I talked to, Republicans and Democrats alike, said they prepared to vote for a larger package and they noted with great disdain the lack of progress of our so-called leaders at the summit, or whatever it is that is going on, and the lack of progress being made over there. Interestingly, as the Senator from South Dakota said, this is not so much a matter of Republican and Democrat because all Senators that I have talked to, no matter which side of the aisle, have said they are prepared to vote for a larger package and perhaps cast votes that would affect programs that they would otherwise not vote against if indeed we are voting against those programs in an effort to constrain the budget. I do not think we are.

I must say, Mr. President, I consider the summit to be a failure of leadership, that it is going up and down like a yo yo, that on Saturday I read in the paper they were about to cement an agreement, and then this morning after a few TV shows over the weekend and a few threatening calls from one association or another, a statement by one group or another, they are all backing off. We are starting another week again without any conclusion, without any package that we can vote on.

I agree with the statement of the Senator from Washington and my friend, Senator KASSEBAUM from Kansas, whose leadership in this

matter I certainly must acknowledge. I agree we simply have to come up with our own package when it comes to a vote and cast the votes that must be made.

I did not support the freeze the Senator from Kansas put together with Senator BIDEN and Senator GRASSLEY. I am sorry that I did not. I thought we had a better plan at that time. I think I am going to just have to support every plan, every broad-based plan, that supports reductions in the budget. Senator KASSEBAUM stated earlier to me that in the event we had a budget freeze 3 years ago the cumulative savings would now be approximately \$160 billion, even though the first year savings were not that great.

So I would indeed support a 1-year freeze at this time. I call upon our leaders who are gathered together in this conference, I call upon the President, I will speak with the President in just a few minutes, and I will say to him that we simply have to go forward. Apparently the Congress is unable to bring the kind of leadership to this problem that is needed. So it must be the President because here the Democrats and the Republicans or those people who are seeking to protect one constituency or another are simply unable to act. So the President has to take a broader view, call for a package, get the leadership together, and tell them that we simply have to come up with a package to address this deficit problem because, Mr. President, in my 9 years here this is only the second opportunity that I find that we really would be able to address the deficit.

The first opportunity was early 1981, and at that time we failed as well.

You know, a freeze does not really address the entire universe of spending.

This little chart points out that in 1987, total outlays were \$1,002 billion and that in 1988, total outlays will probably be about \$1,080 billion. The freeze would reduce the \$1,080 billion only by \$16 or \$17 billion. So we are going to spend a good deal more. While at home or in our businesses, a freeze would mean we spend the same as last year, on Social Security and some of the other programs we do not need to exclude those people when we say freeze. That means that increases would be frozen and that, as a result, the budget is going to rise this year even if there is a freeze. The budget is going to rise; people will not be deprived.

As the Senator from Washington said, people will not get less than last year, and some of the programs will expand about \$16 billion worth.

As for agriculture, when people say, "You can't do anything," there was recently a very interesting article in the Washington Post, written by Ward Sinclair, and it listed some of the pork

in the agricultural appropriations. I would like to talk about a few of the items.

In Arizona, there is a biotechnology laboratory, \$13.3 million. Certainly, that will be important, but it can be put off for a year.

In Georgia, there is a poultry lab addition for \$2.5 million, and it should be put off.

In Hawaii, there is a study to control rat damage to sugarcane and macadamia nuts. Maybe we can delay that as well.

In Wisconsin, there is a study of beaver damage to trees, for \$150,000. Maybe we can get Senator PROXMIER to give that State one of the awards it probably deserves.

On it goes. In North Dakota, there is a study about the Chernobyl disaster impact, at \$600,000. Let us put it off for a while.

In Minnesota, there is an organic agricultural and low-cost farming study, for \$200,000. That takes place in my constituency, but let us put it off for a year, much as I think of organic farming and what the prospects of that are for the future.

I say to the leadership, lead. I say to the President that we simply have to demonstrate our mettle, that we have to take this opportunity, because this kind of opportunity comes very seldom.

If we do not get some leadership, we are going to go on to larger and larger deficits. We are going to impose them on our children. We can prevent that from happening. Now is the time to act. This is the only time to act.

I find that Senators will make the votes that are necessary, but present us with a package that is daring. Present us with a package that is going to impact the deficit, and I think you will find that the vast majority of Senators will vote for it and support a meaningful deficit reduction at this time.

I thank the Senator from Nebraska, and I yield the floor.

Mr. EXON. Mr. President, I am very pleased that Members of the U.S. Senate, on a bipartisan basis, have come to the floor of the U.S. Senate this morning to address an issue that is absolutely critical.

The record of the U.S. Senate for years is replete—and I will not try to enumerate them this morning—with times when this Senator has stood on the floor and proposed freezes, back at a time when a freeze would have cured the problem, had we had the courage to do it then.

Some have said that this is a failure of leadership. I do not just blame the President of the United States or the leaders of the House and Senate who are trying to get together now. It is a collective failure of leadership by the executive branch, by the House of

Representatives, and, last but not least, by the U.S. Senate.

For far too long, we have ignored this problem that was there for anyone who had basic understanding of economics and basic understanding of the situation that you cannot continue to spend more than you take in. Yet, we did little, if anything, about it.

I remember a vote several years ago when those of us who proposed freezes would not get more than 25 votes, or in that area, on the floor of the U.S. Senate. Finally, now, it has become the vogue, the "in" thing, and possibly that is for the good, late as it is. There still seems to be a lack of understanding and appreciation of this matter by some, including the President of the United States.

Just a few minutes ago, I looked at the wire services. The stock market is down 24 points, basically on the Dow, at this particular moment.

The stock market has been fluctuating all over the place, with absolutely no direction whatsoever. That does not mesmerize me, Mr. President, as it does some, because I think that the stock market, at best, is only an indirect signal, with many flashing, bright, red lights that have been blinking in our collective faces repeatedly for the last number of years. Indeed, when those red lights were blinking, the stock market was on its highest rise percentage-wise and dollar-wise that we can ever remember.

The stock market, that gambling den, is no more a reflection in the long term of the economy of the United States than is that other gambling den that we call the commodities exchange in Chicago, IL.

In fact, I think flashing red lights mean nothing to those people—those people who have invented such things as the commodity futures exchange market, the stock prices out of Chicago, that has been an excellent way of getting around the up to 50 percent margins that are required and have been required for a long time, since the 1929 crash, to eliminate some of the rank speculation for speculation's sake alone on the New York Stock Exchange.

I am not mesmerized by that, other than the fact that those red lights that have been flashing in everyone's eyes, including the money changers on Wall Street, seem to have been finally taken seriously. But I think it is interesting to note that that was not taken seriously by the stock exchanges until—boom!—they were hit right between the eyes with a 508-point drop in the market a month ago.

What has happened since then to correct the situation? Little, if anything, I suggest, from the standpoint of overall leadership in the Nation's Capital.

The President yesterday sent further shivers through that market that

never notices blinking red lights until they are hit with a two-by-four between the eyes. The market now supposedly is upset by the fact that the President said yesterday that we are going to meet the \$23 billion reduction before the Gramm-Rudman ax falls Friday of this week. That is hardly, Mr. President, what I think the markets in particular or the people of the United States in specifics expected. I think that everyone has pretty much discounted the fact or accepted the fact that we are going to have a \$23 billion reduction in the budget. If that is not a real \$23 billion attack on the budget as I think it will be regardless of what comes out of the President's economic summit between the leaders of Congress and the President of the United States, if it does not come to that, then further chaos is going to set in immediately.

But, of course, as I think many of my colleagues have indicated on the floor this morning that is not enough and that is only putting a Band-Aid, if you will, on the economic problems that confront this country.

Yes, a freeze should be placed in effect. It should have been placed in effect years ago when this Senator and a few others were suggesting that, but too late is better than not at all.

Understanding of the economic difficulties of America, I still suggest, is the No. 1 problem in America. I am not sure that the President of the United States fully understands or appreciates it or if he or others in top leadership positions do recognize that.

Mr. President, to understand where we are and where we are going we had better first understand what has been wrong with the process. I noticed that there have been many Senators on the floor today who are calling for a freeze, evidently an across-the-board freeze, which is what this Senator and others had proposed years ago. I notice that in some instances at least those same Senators were ones who voted to support the so-called Gramm-Rudman-Hollings bill. I also noted over the weekend at least 10 different times on the news media I heard newscasters say that unless there is an agreement between the leadership of the Congress and the President by Friday the Gramm-Rudman-Hollings bill will take over and there will be an across-the-board cut.

Mr. President, that is not true, and I would hope that the news media, who I think understands this, would not take shortcuts and misinform the people of the United States. I would have supported the Gramm-Rudman-Hollings bill, which I did not and which I dubbed as a phony when it came to the floor, had it been an across-the-board cut. But it was not. And it is wrong, it is misinforming the people of the United States, when they are told over and over again that

with Gramm-Rudman-Hollings, automatic across-the-board cuts take place.

Mr. President, let me explain to all that if no agreement is worked out, the Gramm-Rudman-Hollings law will indeed be a cut of \$23 billion, but it is not across the board.

In fact, under the Gramm-Rudman-Hollings faulty, phony formula that passed the House of Representatives and the U.S. Senate by a large majority, because I suggest not enough people looked into the heart of it, only 20 percent of the total outlays would be indeed cut across the board or 80 percent of the total budget of the United States would not be cut at all.

Some across-the-board cut, is it not, Mr. President?

I will give what the specific figures are if the Gramm-Rudman-Hollings chop comes, and I hope it does not because it would hurt three basic and important programs of our budget far and above everything else. Those are national defense, which I warned at the time the Gramm-Rudman-Hollings became law it would hurt. It hurts agriculture and it hurts education. These are the three big programs that would take an extremely disproportionate share of their cuts. Specifically if the Gramm-Rudman-Hollings law went into effect we would cut all of the \$23 billion from only \$216 billion or 20 percent of the total budget as opposed to 80 percent of the trillion-dollar budget that would not be touched.

Indeed, it might be a time to recognize that fault in Gramm-Rudman-Hollings to say that if we go to an automatic cut it should be across the board on all of the programs with the possible exception of interest on the national debt that we do not control.

This is a time for action, Mr. President. This is a time for hard choices free from political considerations that I think more than anything else unfortunately is driving the negotiators who are trying to come up with some kind of a reasonable approach.

Mr. President, I simply say God-speed to the leadership of the House and the Senate and the President. I hope they can get together in some kind of a fair manner to straighten out the tremendous problem that we have here now which is not going to be solved with just a \$23 billion reduction regardless where it comes from and how unfair it might be.

Mr. President, I thank my colleagues for their consideration, and I yield the floor.

(At this point, under the previous order the Senate proceeded to the considerations of the International Wheat Agreement. For purposes of continuity, the proceedings relating thereto are printed later in the RECORD, following the discussion of the economic crisis.)

Mr. PELL. Mr. President, when is the vote to take place on this matter?

The PRESIDING OFFICER. The vote will occur at 12 noon.

Mr. PELL. How is the division of time allocated?

The PRESIDING OFFICER. The time will be allocated evenly between the Senator from Rhode Island and the minority leader or his designee.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that my remarks not be in executive session but in morning business as part of the debate that preceded immediately before going into executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I thank the Senator from Rhode Island.

THE BUDGET DEFICIT

Mr. BAUCUS. Mr. President, the Federal budget deficit is one of the twin deficits eating away at America's economic security.

The source of the enormous deficits that we face today is no mystery. It is well understood.

In the early 1980's, we accepted the President's proposal to radically reduce the revenue base of the Federal Government. At the same time, we began an unprecedented defense build-up. And through it all, we allowed mandatory entitlement spending to carry on virtually unchecked.

Some called it "voodoo economics." Others called it a "riverboat gamble." But, whatever you call it, it has been a recipe for massive debt, with a capital D.

Today, we are running annual deficits that exceed the size of the entire Federal budget at the height of the Great Society programs.

We have piled up more unpaid IOU's to ourselves and foreign investors in 6 years than the accumulated debt of our Nation since the founding of the Republic.

And, almost overnight, we have seen our international trade picture shift from being a world powerhouse to the largest debtor nation in history.

That has been the legacy of the path we have chosen to follow.

Mr. President, we ought to heed the words of President Thomas Jefferson, who said:

We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

Jefferson was right.

We in America had better start responding to this admonition.

Each day, we are adding to the burden of our children and grandchildren instead of lessening it.

Each day, we are seeing a bit of our own future slip away, instead of building it.

That is just plain wrong.

We all know that we are heading down the wrong path. And it is high time that we changed direction.

In last month's Atlantic Monthly, there was an article called "The Morning After." It is about waking up to the new realities of the American economy.

Let me quote just one section of the article by author Peter Peterson:

We cannot, of course, go on borrowing from foreigners indefinitely to finance our consumption. Soon we must stop and, at that point, decide whether to repay them the principal or forever commit ourselves (and our children) to pay annual interest to foreigners as the price for our 1980s binge.

Mr. President, the time to begin paying for our spending binge is now.

Let us put away the credit cards and start living within our means.

ACROSS-THE-BOARD FREEZE

Today, I join once again with Senator KASSEBAUM and a bipartisan group of Senators to call for a shared sacrifice from all Americans to help get these deficits under control.

It is a familiar concept by now. It's an across-the-board budget freeze.

A budget freeze is nobody's first choice for deficit reduction. But we no longer have the luxury of first choice solutions.

We are already nearly 2 months into the new fiscal year. And we still do not have the agreement on even the outline, never mind the specifics, of a deficit reduction plan.

That is simply an intolerable situation.

And that is why we need to consider a freeze again today, because the alternative is an across-the-board cut by the automatic sequester process at the end of this week.

A freeze sends the message that "we are all in this boat together."

We can pull together in one direction and together begin to make progress against the tide of ruinous budget deficits.

Or we can be pulled apart by those who are unwilling to shoulder their fair share of the burden.

One course leads us in the direction we want to go. The other takes us nowhere—or backward.

The freeze is a way to break the gridlock. It calls on farmers, the elderly, working families, government employees, defense contractors—everybody—to play a part in the solution to our deficit problem.

Is it a perfect solution? No, it is not. A freeze will not end the debate about our spending priorities. In a democracy, that debate will never end, nor should it.

But a freeze does help stop the hemorrhage of spending. It is a clear and unequivocal decision about the need to reassess our priorities.

And as a first step toward lasting deficit reduction, I think it is a step

well worth taking and one that the American people will support.

REVENUES

I also support including additional revenues as part of the budget solution we are proposing. An across-the-board freeze is not enough on its own to generate meaningful deficit reduction.

We also need to restore the revenue side of the balance sheet to protect vital programs from unwarranted reductions.

Our proposal calls for a total of \$13 billion in additional revenues this year. That's only about \$1.5 billion more than what has already been approved by the Senate Finance Committee, which I believe we could make a compelling case that the President ought to accept.

I reject the notion that the American people will never under any circumstances accept revenue increases. What the average American cares most about is that the Tax Code is fair and does not impose unreasonable burdens.

No one, absolutely no one, is talking about adding unreasonable burdens for the average taxpayer.

But that does not mean that we should fail to close corporate loopholes or broaden the taxpaying base. We have options to raise revenues that are sensible and supportable, and we should include them in any reasonable deficit reduction plan.

Mr. President, I believe that the time has come, in fact is long overdue, for action on the budget deficit.

I have concluded that the best option we now have is a budget freeze, coupled with reasonable levels of new revenues.

I hope that our proposal sends a strong message to the budget summit negotiators that America needs a solution to the deficit.

We must be prepared to make the tough choices. And we must break the stalemate.

We can make those choices if we are willing to pull together as Americans. I believe that the proposal we are making today gives us that chance.

Mr. President, over the chair of the Presiding Officer are the words *e pluribus unum*, our national motto, one out of many.

We are a country of infinite varied interests, but we are also a national country.

There are times, Mr. President, when our country must respond to crisis. One of those crisis is now upon us. I submit it is as great, in some ways it may be greater than the other crises this country has faced, including World War II.

And that crisis is the tremendous legacy of debt that this country is building up. In the last 6 years, we have doubled our national debt to over

\$2.3 trillion. We run an annual deficit of about \$180 billion to \$200 billion. We are a net debtor country. We owe much more to foreigners than they owe to us, the first time that that has happened in our country's history since about 1917. It is astounding the degree to which our country is in debt.

Mr. President, I say it is immoral, it is outrageous for this generation to pass on this legacy of debt to the next generations.

For the first time in our country's history, our children can look forward to a lower standard of living than they now enjoy. For the first time in our country's history, when they grow older, if the present trend continues, they will have a lower standard of living than they presently enjoy or that this generation, their parents, presently enjoys.

When the market nosedived on October 19, there was a silver lining in that cloud; namely, it jolted this Congress and the President to get together to begin to reduce the budget deficit that faces us. But I must say, in all due respect, in the last 15 or so days, while they have made some progress, they are too nervous, they are too concerned with committee jurisdiction, too concerned with inside baseball, inside the beltway, and not paying enough attention to the people of this country.

And I might say, Mr. President, most of the people in this country reside outside of the beltway, not inside. The people of this country want that budget deficit reduced. They want action. They know it is time for shared sacrifice.

I very strongly join with other Senators who have spoken today in advocating a freeze on Federal spending for 1 year. That is not a cut. It is a freeze. The freeze rises \$17 billion and commensurate with that we can raise revenues by \$13 billion; adding \$1.5 billion to the \$11.5 billion already approved by the Finance Committee, for a total of a \$30 billion cut in the deficit, real cuts.

A freeze, Mr. President, would also be a structural solution. It would go at the structural budget deficit that faces us.

For those who say, "Oh, no, we can't have a freeze, can't freeze COLA's, can't freeze the cost-of-living indexes for Social Security," I say the American people will sacrifice together as long as it is a fair, across-the-board freeze in spending. I repeat, it is no cut in spending. We are just saying no increases in spending.

A few years ago, when I ran for reelection in my State of Montana, the cornerstone of my campaign for reelection was to freeze Federal spending. I went around my State saying we have got to get control of this budget deficit; we have to freeze Federal spending for a year. I found, very

much to the credit of the folks in my State, that they sure were a little bit concerned. I would go to senior citizen centers and I would say we would have no increases in COLA's for 1 year.

They would get a little nervous. They would say, "Wait a minute; you say you are not going to increase our COLA's?" I would say, "That is right, because nobody is going to get increases, either."

I can remember vividly a little old lady looked up at me and said: "If you are sure no one else gets an increase I guess I can go along and agree to a freeze."

Mr. President, I also found that the newspapers in my State editorialized in favor of it. I was astounded at the degree to which people in my State thought it was a good idea. I was astounded that there was virtually no opposition to the idea. I think part of the problem the deficit negotiators now are having is some folks are going to get potentially a little more of a cut compared to some other folks. And that is why our summitters are having such a difficult time putting a reasonable package together.

I suggest, along with other Senators who have spoken this morning, that if it is across the board, if it is level, and if everyone is treated the same way—just no increases for everyone for 1 year—then that is something people understand and they are willing to go along with because the other guy is not any better off than he otherwise would be.

I strongly suggest we move in this direction.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAUCUS. I thank the Chair and I thank the Senator from Rhode Island.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I believe the time is under the control of the Senator from Alaska and he will be asking to speak as if in legislative session and his remarks placed in the appropriate place.

Mr. MURKOWSKI. I thank my friend from Rhode Island. I ask unanimous consent to speak as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, first of all, let me thank my colleague, Senator KASSEBAUM, for displaying the leadership associated with the issue that is before us this morning. I think it is noteworthy that we have a bipartisan approach. My friend from Montana has just addressed this body on the continuing discussion that we have had this morning on the debt crisis, the economic summit, and what to do about it.

Mr. President, over the past few weeks, I have addressed this body on

the significance of taking action—action now—to address indeed the merits of the extent of confidence erosion that has occurred in the United States since Black Monday; to draw attention that indeed time has run out in the game of borrow, borrow, borrow, spend, spend, spend. I called attention of this body to the economic illusion that we can pile unending deficits into a towering national debt forever without the consequences.

Well, Mr. President, the consequences are before us now. We have seen that debt grow at a rate that astounds anyone that will reflect on it.

I recall when I came into this body in 1981, the total accumulated debt of our Nation was \$757 billion. Today, that figure is in excess of \$1.3 trillion. It is evident that we are currently paying 15 to 16 cents out of every dollar on interest on that debt. It eats while we sleep; somewhat like a horse.

The realities are that interest on the debt does not provide for one worthwhile program. It does not provide for any of the social needs. It does not spur the economic vitality of our Nation.

So we are now faced with the reality of what we are going to do, what we are going to do now. Are we going to accept sequestration, which is the mandatory across-the-board, law-of-the-land cut, or are we going to take action?

Mr. President, earlier last week, I introduced legislation to take action. That legislation would provide an across-the-board freeze—not cut, but freeze—on COLA's. It was accompanied by another piece of legislation to encourage savings, to appoint a Presidential Commission to find ways to encourage savings. Because, obviously, with savings on the increase, our money supply would increase, our interest rates potentially would go down.

The facts of our Nation currently with regard to savings draws a very dismal picture. We have the lowest savings rate in 40 years. Our savings are below the estimated comparison of other nations by about \$100 billion.

We need to encourage savings, Mr. President. We have a unique system in this country where we discourage, in effect, savings. If one contemplates his own savings, what happens? You are charged. You have to declare your interest that you earn on your savings. It becomes part of your income and you pay taxes on it. It is a negative. It discourages.

On the other hand, it seems like we reward debt. Your interest on your debt is chargeable off your income taxes. It seems to me, Mr. President, that serious consideration must be given to turning around rates of savings as we have seen other countries do. Japan has one of the highest rates of savings in the world because it en-

courages savings. I think this body needs to address the merits of having incentives to save.

So we are faced, now, with the reality, Mr. President, of what action we are going to take and I am very pleased that my colleagues are addressing this. The proposal for a freeze across the board is certainly an equitable one. It takes away some of the flexibility of this body in addressing which of the issues are more meritorious than others, but the fact that cannot be denied is it is expeditious. It is fair in the sense that everybody is treated equally to go back to last year's freeze. The application of my particular legislation fits in with the spirit of freeze, and I think it reflects on the merits of going into the entitlements.

There are those that will suggest that the entitlements are bound in a commitment that has been made and to go back on that commitment is a breach of trust. Well, I would remind those that reflect on the merits of previous commitments, that the system itself is very much at stake. One wonders, if we see an economic collapse, just what the state of our savings will be in.

The Senator from Montana indicated in his meetings with senior citizens that there was a willingness to take a freeze, if indeed it was equitable and across the board. We have already seen, as evidenced by various veterans organizations, statements made that they are willing to accept a freeze as long as it is across the board and everybody else makes the same sacrifice.

I think that is significant. I think it is timely. I think it is a voice that should be heard because our veterans have continually sacrificed for our liberties and here they are prepared to sacrifice again to save the system.

One reflects on those senior citizens and the obligation of just what Social Security means. Social Security was meant to supplement retirement, not necessarily provide for retirement. But I think most of the senior citizens in this country understand the reality of what happened on Black Monday. The \$220 billion worth of losses on that day represented the investment from those that receive retirements that are invested in the market. Whether it be union pension trusts or individual employer trusts. What we are facing here is the reality that if we do not take our medicine now, if we do not make the sacrifice now, then one wonders how deep is it going to be the next time.

Next time are we going to be talking about the merits of a freeze or are we going to be talking about significant cuts in benefits? What we are talking about now is simply a freeze, not a cut. We are talking about a freeze on COLA's, not a cut.

Are we all willing to make a sacrifice to save the integrity of our financial system? I do not think, Mr. President, that this continued debt, unchecked, can result in anything but an utter catastrophe of our financial system as we know it in the United States.

Our financial system is a very fragile one. It is tied in with the other world markets. We observe that on Black Monday when the other markets throughout the world, whether it be Japan, Hong King, or the markets in Europe, all reacted. We are so intertwined.

Mr. President, I commend my colleagues for addressing the necessity for taking action. When we get through the guise of what our alternatives are, it is really very simple. It is no more complicated, Mr. President, than you and I and our checkbook.

If we do not have the funds we either have to go out and find new funds or reduce our spending. It is extraordinary what the Federal Government has done over the years. We go through a budgetary process here to try and address the merits of where our priorities should be and then by the time we are through, whatever else that we feel we have to have and cannot afford and will not generate by increasing income, we simply add it to the deficit and the deficit grows.

You and I cannot do that, Mr. President. Why should Government be allowed to do it?

We go back to the merits of how we made adjustments to our system to try and ensure that a catastrophe such as we knew in 1929 would not happen again. So we put in restrictions on margin calls and various other appropriate actions. But one wonders if we would have put one more on where we would be today. Where would we be today if, in 1929, we had had a balanced budget amendment; a mandatory balanced budget? Well, we would have either changed the law, Mr. President, or we would not be looking at a \$1.3 trillion indebtedness.

The PRESIDING OFFICER. The time allocated to the Senator by the minority leader has expired.

Mr. MURKOWSKI. I would thank the Chair and my colleagues and the leader. I am very grateful for the opportunity to join with my colleagues today to point out the crisis that we have at hand. I yield the floor.

EXECUTIVE SESSION

INTERNATIONAL WHEAT AGREEMENT

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 having arrived, the Senate will now go into executive session and proceed to the consideration of treaty Calendar No. 5, which the clerk will report.

The legislative clerk read as follows:

A treaty, Calendar No. 5, treaty document 100-1, International Wheat Agreement, 1986.

The PRESIDING OFFICER. The treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will report.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Wheat Agreement, 1986, which was open for signature at the United Nations headquarters, New York, from May 1, 1986, through June 30, 1986, and signed on behalf of the United States on June 26, 1986; consisting of (1) the Wheat Trade Convention, 1986; and (2) the Food Aid Convention, 1986.

Mr. PELL. Mr. President, today we have before us for consideration the International Wheat Agreement, 1986. This agreement replaces the International Wheat Agreement, 1971, and consists of two parts: the Wheat Trade Convention, 1986, and the Food Aid Convention, 1986.

The Wheat Trade Convention is a purely consultative agreement designed to facilitate the exchange of information about the world grain market. The convention is administered by the London-based International Wheat Council.

Unfortunately, despite the usefulness and modest cost of the United States of participation in the Wheat Trade Convention—our annual contribution being about \$250,000—the United States is in arrears in its payments to the Wheat Council. Granting advice and consent to ratification of the treaty, will help greatly to resolve this situation.

The second convention before us today is the Food Aid Convention, 1986. The purpose of this convention is to secure 10 million tons of food aid annually for developing countries. Under the terms of the convention, the U.S. commitment is 4,470,000 metric tons. This amount falls well within authorized food aid programs under Public Law 480.

Mr. President, the International Wheat Agreement enjoys broad support, from the administration, from my colleagues on the Foreign Relations and Agriculture Committees, and from the wheat growers and traders of our Nation. I would urge my colleagues to vote in favor of granting the Senate's advice and consent to the ratification of this agreement and ask unanimous consent that the remainder of my statement which contains a description of the conventions be printed for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CLAIBORNE PELL,
NOVEMBER 17, 1987

BACKGROUND

The United States has been a party to international wheat agreements since 1949. The pending agreement will replace the International Wheat Agreement, 1971, which, having been extended by protocols, expired on June 30, 1986.

The International Wheat Agreement consists of two parts: The Wheat Trade Convention, 1986, and the Food Aid Convention, 1986. These conventions were signed for the United States by Ambassador Okun at the United Nations Headquarters on June 26, 1986, and submitted to the President on December 11, 1986. The conventions were transmitted to the Senate.

PURPOSE AND SUMMARY OF THE WHEAT TRADE
CONVENTION

The Wheat Trade Convention is a purely consultative agreement designed to facilitate the exchange of information about the world grain market and to provide a forum for the discussion of grain trade issues. The principal function of the convention is to gather and disseminate information on grain market conditions, national policies and their effect on the international market, and developments concerning the improvement and expansion of trade, utilization, storage and transportation, especially in developing countries.

Part I, Articles 1 through 8 of the Convention, establishes the framework for cooperation in carrying out the functions outlined above. Part I includes a statement of objectives, definitions, and reporting and recording requirements. Part I also includes provisions relating to commercial and so-called special, or concessional, transactions. The convention requires members to conduct concessional grain transactions in such a way as to avoid harmful interference with the normal patterns of international commercial trade.

Article 2, subsection (e) of the Convention expands the scope of the agreement to cover wheat, wheat flour, rye, barley, oats, maize, millet and sorghum and such other and products as the Council may decide.

Part II, Articles 9 through 22, outlines the administrative provisions of the Convention. The Convention is Administered by the International Wheat Council, a London based organization established in 1949 by the first International Wheat Agreement. All parties to the Convention are members of the Council. The Council has legal personality and thus has the capacity to enter contracts and to institute legal proceedings.

For voting purposes, nations on the Council are divided into two blocs: grain exporters and grain importers, each with a total of 1,000 votes. Any decision reached by the Council must be supported by a majority vote in each bloc.

Expenses necessary for the Administration of the Convention are met by assessed annual contributions from all members. Dues are calculated on a per vote basis; in crop year 1987-1988, each member was assessed 485 British Pounds Sterling (roughly \$800) per vote.

Article 16 of the Agreement establishes the Subcommittee on Market Conditions which bears the principal responsibility for monitoring all matters affecting the world grain economy.

Article 22 of the Agreement states that, "the Council shall at an appropriate time examine the possibility of the negotiation of a new international agreement or convention with economic provisions."

Part III, Articles 23 through 34 set out the final provisions of the Agreement, including those articles dealing with signature, ratification, provisional application, and accession to the treaty.

Article 33 subsection (2) gives the Wheat Council the authority to extend the agreement for successive periods not to exceed two years.

There are three notable differences between the Wheat Trade Convention, 1986 and its predecessor. First, as noted previously, the Convention has been expanded to cover certain non-wheat grains. Second, the tone of the new convention has been changed to deemphasize the ultimate necessity of reestablishment of price and economic provisions. Finally, the convention can be extended by a vote of the Council, extensions would no longer require the advice and consent of the Senate.

PURPOSE AND SUMMARY OF THE FOOD AID
CONVENTION

As established in Part I of the Food Aid Convention, 1986 is designed to secure, "the achievement of the World Food Conference target of at least 10 million (metric) tonnes of food aid annually to developing countries in the form of grain suitable for human consumption." A floor level of food aid assistance is established at 7.6 million tons per year.

The United States' commitment under this program is 4,470,000 metric tonnes, and is fulfilled by our authorized food aid programs under Public Law 480, the Agricultural Trade and Development Act of 1954, as amended.

Part I, Articles 1 and 2, of the Convention establishes the agreement's objective, as outlined above, as well as the definitions used in the agreement.

Part II, Articles 3 through 15, contains the main provisions of the Convention, including the establishment of each member's minimum annual contribution as well as the terms of food aid contributions and the methods of channeling these contributions to recipients.

The Convention is administered by the Food Aid Committee, based in London. All decisions by the Committee are reached by consensus.

Article 8 of the Convention gives the Committee the ability to respond to food shortage emergencies by making recommendations that members increase the amount of food aid available.

Part III, Articles 16 through 26, of the Convention lays out the final provisions, including those articles dealing with signature, ratification, provisional application, and accession to the treaty.

Article 22 subsection (2) gives the Food Aid Committee the authority to extend the Convention for successive periods not to exceed two years as long as the Wheat Trade Convention remained in force during the period of the extension.

Mrs. KASSEBAUM, Mr. President, I urge the Senate to ratify the International Wheat Agreement of 1986. This agreement is the latest in a series of wheat agreements into which the United States has entered. It consists of two parts, the Wheat Trade Convention and the Food Aid Convention.

The Wheat Trade Convention is a purely consultative agreement. It provides a valuable forum for international discussion of grain trade issues. Statistics compiled by the International

Wheat Council, which administers the agreement, are used regularly by the U.S. Department of Agriculture, the U.S. Trade Representative, and other agencies, as well as by other nations. These statistics are often the only accurate information available on world wheat supply, demand, trade, and prices.

An important change in the 1986 Wheat Trade Convention is that it broadens coverage of the International Wheat Agreement to include coarse grains as well as wheat. This will enhance the role of the council in helping to collect, analyze, and disseminate information on world grain trade.

The second part of the International Wheat Agreement is the Food Aid Convention of 1986. This section of the agreement maintains previous commitments of providing minimum annual quantities of cereal food aid to developing countries. The United States' commitment under this agreement is 4,470,000 metric tons, an amount well within our authorized food aid programs under Public Law 480. I might add that the United States has consistently donated amounts well in excess of this requirement.

The new Food Aid Convention also provides for regular consultations among members to review pledge levels and to respond to regional food production shortfalls.

Ratification of the International Wheat Agreement will result in payment of back dues which the United States owes. Due to delayed ratification of the agreement, funding for U.S. obligations under the International Wheat Agreement was put into an account which did not contain adequate amounts to meet our commitment. When ratified, funding for the International Wheat Agreement will be switched into an account which contains funding to fulfill our obligations.

The technical expertise of permanent staff members of the International Wheat Council, with a membership of about 50 nations, is recognized worldwide. The council has worked closely in the past with the General Agreement on Trade and Tariffs [GATT] in assisting with multilateral trade negotiations affecting grains. This function has taken on increased importance in light of recent GATT proposals by major grain exporting nations. In addition, there are several important grain trading countries that are members of the International Wheat Council, but not members of the GATT.

A hearing was held in September by the Committee on Foreign Relations at which testimony was heard on the International Wheat Agreement. Support for the agreement was unanimous. There is no opposition to ratifi-

cation. For the above-mentioned reasons, I wholeheartedly endorse the agreement and urge its immediate ratification.

WHEAT AGREEMENT CAN LEAD TO BENEFITS HERE AND ABROAD

Mr. MELCHER. We are finally proceeding with ratification of the International Wheat Agreement, 1986. I believe this agreement to be a good one that will be useful in helping maintain a framework for international cooperation in wheat trade matters, particularly by attempting to provide statistical, analytical, and forecasting data.

But there is a second component to this agreement that is more important. Linked to the wheat agreement is a renewal of the Food Aid Convention.

Under the terms of this convention, a floor level of food aid assistance to developing countries is established at 7.6 million tons per year. That is too low. As the traditional residual supplier, the U.S. commitment under this program is 4,470,000 metric tons—an amount already fulfilled under existing levels of aid provided through Public Law 480, the Food for Peace Program. That 4½ million tons is too low. These amounts are unchanged from the 1980 convention. We have great quantities of surplus wheat that should be used, not stored. Developing countries need it and we need to dispose of it to stabilize the world price of wheat, lessen the Federal outlays to wheat farmers for deficiency payments, and develop foreign markets.

While we can take some satisfaction in the fact that we are doing far more than others to use our God-given bounty of agricultural production to assist developing countries, we are not doing enough. So, the suggested floor of 4½ million tons is far too low.

I recognize that we cannot renegotiate this convention here on the floor of the Senate. However, I also hope that this will not be treated as the final action in our efforts to be of assistance by using our agricultural commodities where needed around the world.

It is true that the United States and a number of other countries tend to exceed the minimum contributions required under this convention. I hope that we will continue to do so.

We have many tools like food for peace, section 416, section 108 and other surplus disposal statutory authority if the administration is willing to use them. It is in our best interest to do so for any number of reasons. Certainly, our agricultural industry benefits from the disposal of surplus stocks that would depress the marketplace. Hungry people benefit from having their nutritional needs more adequately met. We, as a nation, benefit from setting an example to the world in seeking ways to truly use food

for peace and develop fruitful, lasting new markets.

I support this treaty. I also support the concept of doing far more to assure that the productive genius of American farmers and ranchers is used in the wisest possible way—feeding hungry people here and abroad.

SUPPORT OF THE INTERNATIONAL WHEAT AGREEMENT

Mr. LEAHY. Mr. President, I rise in support of the participation of the United States in the International Wheat Agreement. This agreement, like its predecessors, will provide a useful forum and framework for the exchange of information and ideas about the international grain trade.

It is through a ready exchange of information that we learn about the problems and pressures facing other countries. And it will only be through continued and thorough discussions that we are able to ultimately forge new and effective rules governing international trade in all commodities.

The two conventions that comprise the agreement, the Wheat Convention and the Food Aid Convention, provide for the continuation of many of the information sharing and food aid goals of their predecessors. The International Wheat Council serves as the focal point for the gathering and dissemination of information concerning the international wheat trade and food aid needs of countries. Its work is important given the world market that currently exists and the ever growing need for emergency food aid.

These conventions also break some new ground, primarily with an expanded commodity coverage, simpler extension mechanisms, and strengthened provisions designed to better enable the conventions to meet emergency food aid needs.

The agreement calls for a small cash contribution and certain food aid commitments from signatory nations. The food aid programs established in the Agricultural Trade Development and Assistance Act of 1954 are adequate to fulfill our food aid commitments under the new agreement.

I urge my colleagues to support this agreement.

Mr. PRESSLER. Mr. President, I rise in support of ratification of the International Wheat Convention. The International Wheat Convention plays an important role in exchanging information on wheat production and could play a key role in resolving agricultural trade disputes.

This convention provides a framework for international cooperation in wheat production and trade. It consists of 58 wheat exporting and importing nations. The meetings and discussions provide a format for discussing wheat production, trade, supplies and many other factors.

For many years I have supported expanding the framework of the Inter-

national Wheat Convention to allow it to more aggressively address the surplus wheat situation. It is estimated that storage of surplus grain will cost U.S. taxpayers over \$1.2 billion this year. Taxpayers also will pay farmers not to produce grain. However, the U.S. efforts to control production are not very effective because other nations often increase production in response to U.S. acreage set-aside programs. On a worldwide basis, over \$100 billion were spent last year on agricultural programs. The United States and other nations cannot afford to continue such costly farm programs. The International Wheat Convention could play an important role in coordinating worldwide production controls and reducing global farm program costs. I have proposed and advocated the negotiation of an international conservation reserve program to reduce agricultural surpluses, control soil erosion and reduce farm program costs. The International Wheat Convention could play a key role in the development of such an agreement.

The convention also can play a key role in the elimination of export subsidies for wheat and other unfair trade policies. The elimination of unfair trade policies is a primary goal in ongoing GATT negotiations. The International Wheat Convention could facilitate these GATT talks.

Mr. President, I urge my colleagues to join in support of the International Wheat Convention and in urging the administration to use the convention to address world wheat trade and wheat surplus issues.

INTERNATIONAL WHEAT AGREEMENT

Mr. BIDEN. It is no news to the Senate that the world's agricultural market is in terrible shape. Export subsidies have destroyed any relationship between supply and demand, the supposed advantage of efficient production is relegated to economic theory books, and taxpayers around the world are watching billions of dollars frittered away for no real gain.

American farmers also suffer under these market conditions. Market prices for surplus crops are battered. Set-aside requirements become increasingly onerous as our Nation's tremendous agricultural system loses outlets for its production. Surpluses are piled up on Main Streets and parking lots around rural America. I note that storage costs are expected to total over \$1 billion this year.

The President has called for an international agreement to eliminate all agricultural subsidies. The chosen forum for these talks is the General Agreement on Tariffs and Trade [GATT] negotiations. Mr. President, the aggressiveness of this proposal is undeniable, but I am concerned that concentrating solely on the elimination of all subsidies at the exclusion of

other goals is a risky policy, one that bets the rural economy on achieving what many view as a most difficult goal.

A better approach is to assess all the opportunities for progress and follow up on those that show promise for results. As part of this process, we must also look at existing opportunities to pursue those issues. Reducing the surpluses that overhang many agricultural markets is a shorter-term goal that we must address. That is why the Foreign Relations Committee included report language that I proposed urging the administration to use the Wheat Convention as more than crop statistic exchange.

The International Wheat Agreement brings together top level agricultural representatives of the world's major exporters and importers. It should be viewed as a valuable adjunct to the GATT efforts, not as a replacement to those talks, but as another opportunity for the United States to make clear its determination to battle the unfair export subsidies and policies that exacerbate global surplus problems.

Mr. President, we can bring about greater cooperation in reducing surpluses. We have the tools in hand and through a demonstrated willingness to use them have gained the attention of our competitors. But we should not be content to talk about agricultural trade problems only in the context of GATT reform and with the single goal of eliminating all subsidies.

At this point, the administration should not shy away from using the Wheat Conventions to its best advantage, hiding behind the GATT negotiations as an excuse for inaction. Reduction of global surpluses and the burden American farmers and taxpayers bear in trying to balance the global supply/demand equation is a goal well worth pursuing. It is not a goal we should set aside through the end of the century in exclusive pursuit of a subsidy-free world.

I urge the administration to use the expertise and facilities of the International Wheat Convention as a ready made structure to work toward improved prices for our farmers and a reduction of global surpluses that have become so damaging to the agricultural economy.

Mr. PELL. Mr. President, I would also point out that this treaty passed our committee by a 19-to-0 vote.

Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. PELL. Mr. President, I suggest the absence of a quorum, the time to be equally divided.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the hour of 12 noon having arrived, the question is on agreeing to the resolution of ratification of the International Wheat Agreement, 1986, Treaty Document 100-1. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Connecticut [Mr. Dodd], the Senator from Tennessee [Mr. Gore], the Senator from Maryland [Ms. MIKULSKI], the Senator from Illinois [Mr. SIMON], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from South Carolina [Mr. THURMOND] is necessarily absent.

The PRESIDING OFFICER (Mr. ADAMS). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 94, nays 0, as follows:

[Rollcall Vote No. 378 Ex.]

YEAS—94

Adams	Garn	Moynihan
Armstrong	Glenn	Murkowski
Baucus	Graham	Nickles
Bentsen	Gramm	Nunn
Biden	Grassley	Packwood
Bingaman	Harkin	Pell
Bond	Hatch	Pressler
Boren	Hatfield	Proxmire
Boschwitz	Hecht	Pryor
Bradley	Heflin	Quayle
Breaux	Heinz	Raid
Bumpers	Helms	Riegle
Burdick	Hollings	Rockefeller
Byrd	Humphrey	Roth
Chafee	Inouye	Rudman
Chiles	Johnston	Sanford
Cochran	Karnes	Sarbanes
Cohen	Kassebaum	Sasser
Conrad	Kasten	Shelby
Cranston	Kennedy	Simpson
D'Amato	Kerry	Specter
Danforth	Lautenberg	Stafford
Daschle	Leahy	Stennis
DeConcini	Levin	Stevens
Dixon	Lugar	Symms
Dole	Matsunaga	Trible
Domenici	McCain	Wallop
Durenberger	McClure	Warner
Evans	McConnell	Welcker
Exon	Melcher	Wilson
Ford	Metzenbaum	
Fowler	Mitchell	

NOT VOTING—6

Dodd	Mikulski	Thurmond
Gore	Simon	Wirth

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are zero. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. THURMOND. Mr. President, I have just returned from the White House where I was attending a meeting with the President on the housing bill. I arrived 1 minute after the vote was over.

Had I been present for the vote I would have voted "aye."

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for not to exceed 15 minutes or the hour of 12:45 p.m., whichever shall come the earlier, with Senators permitted to speak therein for not to exceed 5 minutes.

Who seeks recognition?

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

SOCIAL SECURITY SHOULD BE KEPT OFF THE DEFICIT REDUCTION TABLE

Mr. SANFORD. Mr. President, I rise today to join those who oppose any plan to reduce the deficit by confiscating the cost-of-living adjustment due our senior citizens and disabled Americans who depend on Social Security or Federal retirement annuities to shield them from poverty.

The President is right. Social Security and the Federal Retirement Program should be left alone.

We say everyone should give their fair share. And so they should. But the millions of Social Security beneficiaries have already given the fullest measure of sacrifice. Seniors who are better off now pay taxes on their benefits. Far too many others have endured staggering medical costs, while we have held up badly needed health care initiatives in the name of fiscal austerity. They have anted up their meager savings for higher copayments, suffered spousal impoverishment for long-term care costs, tightened their personal budgets, and watched as the deficit mounted still higher due to increased expenditures in other areas of the budget.

The elderly and the disabled are not the culprits. Nor should they again be the victims as this current drama unfolds.

Social Security is a mainstay of American life. It is synonymous with our family traditions. As a matter of fact, Social Security has become a part of the fabric of family unity—an inter-

generational compact. Workers, employers, and the self-employed contribute to the Social Security System with the simple expectation that our Government trustees will do their part and protect the system against abuse and misuse. They pay into the System during their work lives and rightly feel entitled to old age, disability and survivor benefits when the need arises. And they also rely upon the promise made to them that their monthly checks will not be eroded through inflation.

That is what the System was designed to do. That is what it must do. Anything less is a breach of faith with the American people.

Social Security allows families to know that there will be an income when their economic status abruptly changes due to retirement, death, or disability. It is the pillar that holds the roof over their heads and keeps disaster from crashing down upon them.

How, then, can we cast covetous eyes on our neighbor's retirement allowance? How can we justly seize that which is not ours to take?

The COLA is part and parcel of our commitment to all Social Security beneficiaries—and, indeed, to all workers of this and future generations. It is not as if we have been overly generous to the widows, orphans, disabled, and aged in our Nation. On the contrary, the average Social Security retired and disabled worker benefit is about \$490 a month. Approximately 10.5 million retired workers and another 1.4 million disabled persons get this amount or less. That is hardly enough to live a life of luxury.

A full COLA increase of 4.2 percent averages out to about \$20.50 a month for most beneficiaries. But this amount would be offset by a \$6.90 increase in the part B Medicare premium, even without enactment of the catastrophic insurance plan. The net gain to beneficiaries is only \$13.

But if we cut the COLA by 2 percent, the net gain drops to only \$3 per month on the average. And, of course, for those receiving less than the average benefit, the increase would be even smaller. In fact, preliminary estimates indicate that 9 to 10 million Americans would receive no increase at all if the COLA were reduced by 2 percent. And the Senate Catastrophic Health Insurance Program, if enacted, would add another 6 to 7 million people who would see no increase in their monthly check. In other words, no beneficiary with an average benefit or less would get an increase when you combine the part B premium increase, a COLA reduction of 2 percent, and a catastrophic premium of \$4 a month. If the part B premium were not increased, it would cost almost \$2 billion. Thus, the savings from a 2-percent reduction in the COLA would be only \$1.1 billion.

If we seek to reduce the deficit by tinkering with the COLA, we will, in effect, be squeezing nickels and dimes from the pockets of the poorest of the elderly. It will be the governmental equivalent of sending a Mother's Day card with postage due.

No, Mr. President, it will really be worse than that. Because the deficit will not be reduced in any tangible way by this penny-pinching. The Social Security funds are part of a trust fund that is reserved exclusively for beneficiaries. It is a fund that is running a surplus and the COLA would be paid out of the fund.

But the deficit is not part of the trust fund. It is part of the debt we owe for public expenditures outside of the Social Security System. If the COLA is reduced or delayed, the American people will not realize any drop in the national debt. We will still be spending more than we take in to pay for the general expenses of government. The only result is that the trust fund will show a larger surplus—a surplus which cannot be used to pay off our general purpose indebtedness. It is totally misleading to suggest that the budget or the deficit are helped in any way by holding back Social Security payments.

The gain from the strategy of delaying or reducing the COLA is only a paper gain, made by accounting on ledger sheets but having no more reality than pencil transactions on Wall Street. Every one of us will still owe as much as before on a per capita basis. In fact, we will owe more, because the true deficit figure will be hidden behind a smaller, phony figure based on manipulated ledger accounts.

But if there is no real gain for our Nation in the battle for a balanced budget, there is a real loss for those millions of poorer Social Security beneficiaries who thought we were as good as our word. They need the COLA—as small as it is—simply to maintain their marginal standard of living. And there, is a real loss to our personal sense of integrity as caretakers of the system that rose from the ashes of depression and desperation to become one of the crowning achievements of our democratic society.

We must put the trust back into the trust funds and preserve the security in Social Security.

Unlike the soft drink, this particular un-COLA is a bitter drink to swallow. I urge my colleagues to join those who oppose efforts to cut the deficit by denying Social Security beneficiaries the full adjustment they are due. As the seasons of Thanksgiving, Hanukkah, and Christmas approach, let us remember our promise to the aged, disabled, widows, and children of our Nation—our pledge to the working men and women of America—that Social Security will remain inviolate. The President took it off the table at

the beginning of the budget negotiations, and that is where it should stay.

RULES COMMITTEE STUDY OF THE OPERATIONS OF THE SENATE

Mr. FORD. Mr. President, earlier today at a business meeting of the Committee on Rules and Administration, I made an announcement which I believe will be of interest to every Senator.

During the first session of the 100th Congress there were several measures introduced which address various organizational and procedural aspects of the operation of the Senate. Without attempting to explain the provisions of these resolutions, I shall mention that the following Members have introduced such measures: the majority leader, Mr. BYRD; the ranking minority member of the Rules Committee, Mr. STEVENS; the junior Senator from Kansas, Mrs. KASSEBAUM; the senior Senator from Hawaii, Mr. INOUE; the junior Senator from Washington, Mr. EVANS; the senior Senator from New York, Mr. MOYNIHAN; the junior Senator from Arkansas, Mr. PRYOR; and the senior Senator from Missouri, Mr. DANFORTH—all have sponsored measures which are worthy of careful study and review.

It is scarcely necessary. I suspect, to mention that several of us, including myself, have for many years tried to focus attention on the desirability—indeed the necessity—of establishing a 2-year budget and appropriation cycle for the Federal Government.

The Nation is facing fiscal, economic, and other domestic and international issues of great concern requiring timely and effective consideration by the Senate. Each Senator's time has become increasingly consumed by repetitive consideration of the same issues during a single session of Congress. The number and size of Senate committees and subcommittees have placed excessively high demands on a legislative body of 100 Members.

Under rule XXV of the Standing Rules of the Senate, the Committee on Rules and Administration is responsible for "congressional organization relative to rules and procedures, and Senate rules and regulations * * *" and is charged with the responsibility for "recommending improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations * * * and enable it better to meet its responsibilities under the Constitution of the United States."

Within that provision, early in the next session, the Committee on Rules and Administration will undertake a comprehensive study of proposals to improve the operations of the Senate. The objective of the study will be to

enhance the Senate's ability to fulfill its responsibilities in an efficient and timely manner. The study will include, but not be limited to, the following:

First, proposals to improve the Senate committee system; and

Second, proposals to revise the Rules of the Senate.

I anticipate that the study will be completed and a report submitted to the Senate by June 30, 1988.

RULES COMMITTEE'S PLANS TO REVIEW THE SENATE COMMITTEE SYSTEM AND SENATE RULES

Mr. STEVENS. Mr. President, I want to commend the chairman of the Rules Committee, my good friend from Kentucky, Senator FORD, for announcing a comprehensive review of the Senate's committee system and rules.

I share the chairman's conviction that the time has come to address the frustration of many Senators with our repetitive consideration of the same issues during a single session of Congress.

An example of this repetition is the Senate's consideration of our national defense budget. In this year alone, the defense level for fiscal year 1988 has been considered five different times: during debate on a budget resolution; during consideration of the Department of Defense authorization bill; in the Appropriations Subcommittee on which I serve; during consideration of the Gramm-Rudman-Hollings amendments; and now in the budget summit negotiations between the White House and Congress.

This frustrating and time-consuming duplication has not been limited to defense issues; it affects every function of government.

Together with Senators' numerous committee and subcommittee assignments, this time-consuming duplication has resulted in an increasingly inefficient and ineffective legislative process.

The need to remedy this duplication has been formally addressed by our colleagues several different times in recent years. In 1983, former Senators Pearson and Ribicoff presented to the Senate a comprehensive report on reforming Senate practices and procedures. A major component of that report was a group of proposals on how to restructure our Senate committee system to make it more effective.

The next year, extensive consideration was given to reforming the Senate committee system by the Temporary Select Committee to study the committee system, chaired by Senator QUAYLE. Our former Republican leader, Senator Howard Baker, lead off those hearings by expressing his hope that the Senate could find a way to consolidate the functions of its com-

mittees, or coordinate them more efficiently.

In the current Congress, Senator KASSEBAUM—with the cosponsorship of Senator INOUYE—has introduced Senate Resolution 260, which proposes a major streamlining of our Senate committee structure. Their proposal reflects a great deal of thought about the many difficulties and frustrations we face under our current organizational structure.

Our committee system and rules have lead to other problems. We ought to be concerned about losing the talents of experienced Senators, as well as others who might aspire to Senate seats. The demands of our Senate schedules have become overwhelming to the point that Senators retire out of frustration, and others who might have run for Senate seats, decide not to become candidates. This is the quality of life issue which many of our colleagues have been discussing during the past couple of years.

Another concern we ought to have is what effect our committee system and rules is having on the confidence of the American public. When the public sees the Senate taking up the same issues over and over again—often without resolution—this has got to have a negative effect on their confidence in the Senate's ability to deal decisively and effectively with our Nation's business.

Mr. President, it remains to be seen what proposals our Rules Committee hearings will generate. The proposals I've mentioned, and others offered in recent years, have varied greatly in their approach to reforming our committee system and rules. However, one thing they have all had in common, is their recognition that our current committee system and rules of procedure are deficient; and that our processes are not allowing the Senate to serve the American people to the best of our abilities.

I look forward to working with the Chairman, members of the Rules Committee, and all our colleagues in this important endeavor.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12:45 having arrived, the Senate will now stand in recess until the hour of 2 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DODD].

The PRESIDING OFFICER. The Senate will come to order. The Chair, acting in its capacity as the Senator from Connecticut, will note the absence of a quorum.

The clerk will call the roll.
The bill clerk proceeded to call the roll.

The Senator from Illinois addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I yield myself 5 minutes for remarks concerning the subject matter at hand.

TRIBUTE TO JOE McMAHON

Mr. DIXON. Mr. President, the Democratic Party and all residents of Illinois lost a political leader and patriot with the death of Joseph P. McMahon in July 1987. A month ago the Senate of the 85th General Assembly of the State of Illinois adopted a resolution paying tribute to his distinguished career of service to our State. I will submit it for inclusion in the RECORD.

To this official documentation, I add my deep admiration and affection for the man I knew and worked with for 25 years. When I served as State treasurer, he was there; when I served as secretary of state, he was there; and when I was elected to the Senate, he was there—in Illinois running my Chicago office.

My debt to him is incalculable, not just because his dedication and support made those of us around him better than we were alone, but because he and I had a friendship I enjoyed and cherished.

I miss him, and I should like to have him remembered here for the RECORD.

Mr. President, I ask unanimous consent that the resolution adopted by the 85th General Assembly of the State of Illinois be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION No. 548

Offered by Senator Lechowicz and Senator Rock, President of the Senate; and Senators Alexander, Berman, Brookins, Carroll, Collins, D'Arco, Degnan, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Poshard, Savickas, Severns, Smith, Vadalabene, Welch and Zito.

Whereas the Illinois Senate was deeply saddened to learn of the death of Joseph P. McMahon on July 15, 1987; and

Whereas Joseph P. McMahon was a stalwart of the Democratic Party for decades, serving as Past President of the Young Democrats of Illinois, and as Democratic Committeeman of the 8th Ward of Chicago; and

Whereas Joseph P. McMahon was a dedicated county and State governmental official, serving as Clerk of the Circuit Court of Cook County from 1960 to 1964, Assistant Secretary of State from 1964 to 1971, First Assistant State Treasurer from 1971 to 1974, First Assistant Secretary of State from 1974

to 1977, and Director of the Chicago Office of United States Senator Alan Dixon from 1978 to 1985; and

Whereas Joseph P. McMahon served in his official capacities with dedication, competence and grace throughout his public career; and

Whereas Joseph P. McMahon, besides his many official duties, was a successful businessman, founding the McMahon Florist Company on Chicago's Southeast Side; and

Whereas Joseph P. McMahon proved to be a leader of men while serving as a Captain of the Third Tank Battalion of General Patton's Third Army in World War II; and

Whereas Joseph P. McMahon, because of his gallant service in World War II, was a decorated hero, receiving the Purple Heart and Bronze Star with Oak Leaf Cluster for Heroic Action; and

Whereas Joseph P. McMahon's life exemplified one of public service and accomplishment; therefore, be it

Resolved by the Senate of the Eighty-Fifth General Assembly of the State of Illinois, that this Body expresses its deep sorrow at the death of Joseph P. McMahon, and its sincere condolences to his lovely wife, Rose, and the rest of his family; and be it further

Resolved, That suitable copies of this preamble and resolution be presented to the family members of Joseph P. McMahon.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1987—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report on S. 825, which the clerk will report.

The legislative clerk read as follows:

The conference report on S. 825, an act to amend and extend certain laws relating to housing, and for other purposes.

The Senate resumed consideration of the conference report.

THE ADMINISTRATION'S FAILING HOUSING POLICIES

Mr. DIXON. Mr. President, I call to the attention of my colleagues a most timely article which appeared in the Chicago Tribune on November 16, 1987.

The article highlights the findings of a recent study, "The Reagan Approach To Housing: An Examination of Local Impact," which was conducted by the Chicago Urban League.

As this body considers the Conference Committee Report on the "Housing and Community Development Act of 1987," S. 825, I trust that each of my colleagues will give serious consideration to the findings in this study. It represents a serious national problem which is of great concern to me—a reduction in the Federal funding of social programs without a balanced increase in State and local government and private sector expenditures.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Nov. 16, 1987]

NO ONE MAKING UP FOR HOUSING-AID CUTS

(By Stanley Ziemba)

Federal funding for low-income housing by Illinois has been cut by 87 percent since 1980, and neither the private sector, the state nor local government has come close to making up the difference, according to a new Chicago Urban League study.

Moreover, the reduction in federal housing funds is being felt most by Illinois' neediest families, those whose incomes fall below 80 percent of the median income for the area in which they live. They constitute 40 percent of the state's population, yet no one is producing new housing for them, the study concludes.

"According to President Reagan's New Federalism policy, cutbacks in social services are supposed to be balanced by increased expenditures by state and local governments and by private sector initiatives," said James W. Compton, the league's president. "This, however, has not been the case."

"What this study does is document the failure of the Reagan administration's policy regarding social needs, particularly the failure to address the shelter needs of our citizens."

According to the study, "The Reagan Approach to Housing: An Examination of Local Impact," Illinois as of this year was receiving \$249.8 million a year less in federal funds for all low-income housing programs than it got at the start of the Reagan administration in 1981.

Most of the federal cuts have been in the area of public housing, government-owned housing designed to shelter the poorest of the poor, the study found.

In 1987, federal spending to rehabilitate the state's existing public housing units and to help cover the operating expenses of the state's housing authorities has been nearly \$202.4 million less than the yearly average for the period between 1980 and 1984, the study determined.

Although the state was expected by the budget cutters in the Reagan administration to bridge the gap left by withdrawn federal funds, the Illinois Housing Development Authority (IHDA), the agency primarily responsible for funding housing programs in the state, has spent a total of only \$26.2 million on low-income housing in the last two years, 1985 and 1986, the study estimated. That figure doesn't even come close to replacing the money the state is losing in federal dollars annually for low-income housing, the report notes.

Furthermore, none of IHDA's funding is used to fund public housing, and, few, if any, of the state's housing dollars are used to provide private sector housing units for the poorest of the poor, those whose incomes fall below 80 percent of the local median, the study determined.

In fact, because of the formula IHDA uses to sell bonds to raise money for housing development and establish rents in the units it finances, the only "low-income" units being built with the agency's assistance are those that only households at the very top of the poverty scale can afford, the study pointed out.

Under IHDA's guidelines, "low-income" is defined as 80 percent of the median income of the local area," the study notes. "Rents are set to be affordable to households at this income level." Consequently, "for those households whose income is less than 80 percent of the median, IHDA-defined 'low-income' rents are difficult or impossible to afford," the study adds.

Local governments also have not made up for the withdrawal of federal housing funds, the league report contends. The City of Chicago, for example, has spent only \$36.7 million on low-income housing since 1982, it determined.

The city, like IHDA, also uses restrictive guidelines to finance housing developments that most of Chicago's neediest families can't afford, the report notes.

"The State of Illinois and the City of Chicago have together poured over \$900 million into the housing market since 1981," the study states. "However, almost all of these resources have been targeted to households that are substantially middle class or at the very top of the poverty scale."

The study notes that under the Reagan administration's philosophy, "the private sector is expected to be able to take care of the state's housing needs better than any governmental agency."

In reality, however, the study says, the private housing sector, at least in Chicago, has probably done little to make up for the reduction in federal low-income housing funds.

Although 21,953 new housing units have been built in the city between 1981 and 1986, "we can assume that few, if any, of these units were at rentals affordable to a low-income population," the study says.

"Most authorities agree that it is next to impossible [for the private sector] to build new low-income housing without some form of subsidy," the report says.

The "most dramatic and most visible manifestation" of the lack of available and affordable low-income housing units in the state, according to the study, is the rise in the number of homeless.

Unless the nation's housing policies are reversed, the report concludes, "Illinois and Chicago, as well as other areas, will bear the brunt of the [low-income housing] crash."

Mr. DIXON. I just want to read the opening paragraph of the article, "No One Making Up For Housing-Aid Cuts," Chicago Tribune, Monday, November 16.

Federal funding for low-income housing in Illinois has been cut by 87 percent since 1980, and neither the private sector, the state nor local government has come close to making up the difference, according to a new Chicago Urban League study.

The entire article, Mr. President, sheds light on the discussion of Federal funding of assisted housing. I think it points out very eloquently that the housing policies of this administration have been a total failure. That is the subject matter at hand in the vote that will shortly be before us.

Mr. President, this is not a colloquy but an effort to clarify a concern raised by some of my constituents regarding the issue of employing residents of public housing projects under a resident management contract.

I'd like to ask my friend from California, Mr. CRANSTON, a question.

Mr. CRANSTON, would you please inform me whether there is any provision in this conference report which would reduce the ability of a resident management corporation operating a public housing project to employ, define the responsibilities of, or estab-

lish the terms of employment for residents of such project?

Mr. CRANSTON. I can assure the Senator that the conference report contains no provision that would have that effect. The Senator from Illinois has shown great leadership on the issue of public housing resident management, and he deserves great credit for it.

During the conference negotiations, much debate was devoted to the need to provide resident management corporations with sufficient flexibility in employing residents, defining their responsibilities and determining the terms of their employment. Conferees wanted to provide that flexibility and nothing in the conference report reduces the ability of resident management corporations to employ project tenants.

Mr. DIXON. I am especially pleased that the Conference report maintains provisions of S. 243, the "Public Housing Resident Management Act of 1987", which, on January 6, 1987, I introduced with the cosponsorship of Senators GLENN, DANFORTH, and KENNEDY. The provisions are also similar to those in S. 2242, the tenant management bill which along with Senator GLENN, I introduced on March 26, 1986.

The conference report authorizes an alternative to residents of public housing to manage their own housing conditions. It is intended to offer improvements in their overall living conditions, while providing a valuable return on investment for taxpayers.

Under contract with the local public housing agency, a resident management corporation is authorized to manage the housing project and to retain profits from improved rent collections so that the corporation may, first, establish business enterprises that employ tenants, second, provide better project maintenance and operation, or third, acquire additional dwelling units for low-income families.

As an incentive to increase flexibility for tenant-managed projects, corporations may be provided with comprehensive improvement assistance for project renovations and improvements. In addition, the Secretary of HUD would be required to evaluate the resident management program and to submit a report to Congress after 3 years.

Since the 1970's—on an experimental basis—tenants have managed at least one public housing project in each of the cities of Boston, Rochester, St. Louis, Louisville, Jersey city, New Orleans, and Washington, DC. Just recently, residents at LeClaire Courts in the city of Chicago negotiated a contract with the Chicago Housing Authority and formed the city's first tenant management corporation. Residents are preparing to manage

their 615-unit public housing development.

Many of the existing experimental projects have created jobs and health clinics, formed day care centers, served as a catalyst for other business ventures, and overall, aided in developing safer and more stable communities. I look forward to seeing many of these innovations at LeClaire Courts in the near future.

Although I realize that tenant management is not a solution for all public housing projects, it is intended to increase the flexibility of the residents of those housing projects that choose tenant management. It is also intended to help improve housing conditions for the residents, while wisely investing our scarce tax dollars.

This is a good provision and I am pleased for the support from the conferees.

Mr. President, I solicit the support of my colleagues for approval of the conference report on S. 825, the Housing and Community Development Act of 1987. Although some of its provisions are not crafted exactly as this Senator would have liked, the conference report is a compromise which I can endorse.

I am particularly pleased to support the conference report because it has been 4 years since the House and Senate were able to agree on a major housing bill. However, this is the first major free-standing housing bill to be approved by Congress in 7 years.

In the meantime, assisted housing programs have taken more than their fair share of budget reductions—a 70 percent reduction, Mr. President. This has contributed to the lack of available and affordable housing for low- and moderate-income families. It has also contributed to an increase in the number of homeless individuals and families, and the long waiting lists throughout this Nation for public housing and section 8 assistance units.

I believe that this conference report concurs with the current political and fiscal restraints that this body supports. It authorizes appropriations for \$15 billion for housing and community development programs for fiscal year 1988, and provides an adjustment for inflation for fiscal year 1989.

Additionally, the report makes permanent the FHA Mortgage Insurance Program, and authorizes for 2 years the HUD and Farmers Home Administration assisted housing programs and the community development block grant and urban development action grant programs.

The conference report also authorizes a demonstration program to assist public housing agencies in providing child care services for low-income residents, and establishes a lead-based paint poisoning prevention program in section 8 and public housing projects. It extends the Flood and

Crime Insurance Programs for 2 years, authorizes 12,000 new housing units for the elderly and handicapped, and prohibits user fees on mortgage insurance and secondary mortgage market programs.

This report temporarily addresses a priority housing issue, prepayments on HUD assisted low-income rental housing. It establishes a 2-year solution to this complex problem which, if not reformed, would cause the Nation to lose as many as 950,000 low-income units.

These are all provisions which are needed for my constituents in the State of Illinois, and I believe are also good for the people throughout this Nation.

Mr. President, I want to compliment the distinguished chairman and ranking minority member of the Housing and Urban Affairs Subcommittee for their leadership and perseverance in seeing that we have a housing authorization bill this year. I look forward to working with Senator CRANSTON during the next 2 years as the subcommittee attempts to develop Federal housing and community development policies.

Mr. President, I urge immediate approval of this conference report on S. 825.

Mr. President, I yield back whatever time remains.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. I wonder if we can check signals on the ground rules and where we are. Is the housing conference report before us?

The PRESIDING OFFICER. That is the pending business.

Mr. ARMSTRONG. Could the Chair remind us of the time agreement that has been entered into and the schedule for votes through the afternoon?

The PRESIDING OFFICER. At 3 o'clock under a previous agreement there will be a vote on the motion to reconsider. The time between now and 3 o'clock is equally divided between the managers of the bill.

Mr. ARMSTRONG. The time is divided between who?

The PRESIDING OFFICER. The managers of the bill, equally divided.

Mr. ARMSTRONG. Mr. President, if that is the case, it is an oversight. I believe it was intended, perhaps, that I would manage the time of the opponents. Both managers of the bill

happen to favor the report. I guess we can work that out some way.

Mr. D'AMATO. Mr. President, will the Senator yield?

Mr. ARMSTRONG. Certainly.

Mr. D'AMATO. In the interest of fairness, the Senator from Colorado can certainly manage the time in opposition. He would have the time otherwise allocated to the manager of the bill on the Republican side.

The PRESIDING OFFICER. The Senator from Colorado will be designated as the manager of opposition.

Mr. ARMSTRONG. I thank the Chair. I particularly thank my friend from New York for his courtesy. That is most helpful.

Mr. President, in a moment I will yield to my colleague from Utah and then the Senator from Texas [Mr. GRAMM], and some others. Before I do, I would like to make this suggestion for our schedule this afternoon.

I propound it as a thought at this point for the consideration of the managers. In order to save time, I would think a voice vote on the motion to reconsider would be in order. I know of no one who intends to vote against the motion to reconsider at 3 o'clock. That would then leave us time to debate the merits of the issue and we would have then, as I would see it, two rollcall votes in the afternoon, if that is agreeable, one on the question of whether or not to waive the Budget Act or the point of order and if the Budget Act is waived then a vote on final passage of the conference report. I do not pose that as a unanimous-consent request at this time but to suggest it as an idea that the Senator from New York and the Senator from California might reflect upon in an effort to save time of the Senators.

Mr. President, as I entered the Chamber, someone whispered in my ear that the stock market is down: about 40 to 50 points again. I do not know whether it will close on that kind of a loss for the day, and whether it does or not really is irrelevant to the point I want to make. The stock market is nervous, the country is nervous, the international currency markets are nervous, the real estate markets are nervous, and I think most Senators are getting a little nervous about the precarious state of the Nation's finances.

This morning, according to the newspaper reports, the conferees, the majority and minority leaders and chairmen and ranking members of the Appropriations, Budget, and Finance Committees who have been meeting down the hall about 50 yards from here trying to work out some kind of a budget package, seem to be at loggerheads again.

It is like the Perils of Pauline. One day we hear they are close to an agreement and then they are not close to agreement.

This morning I heard that Mrs. KASSEBAUM and others came to the floor to say, "For heaven's sake, get off it. Do not bring us a little package but bring us a big package. Do not bring us a pusillanimous budget fix but a big fix and let us vote on it."

I am convinced that here in the Senate a broad, bold package that puts everything on the table would have a good chance to succeed.

The distinguished Senator from Kansas, the minority leader, put it so well a few days ago in a public statement in which he said, "The country is ready to take the medicine but we cannot find anybody who is willing to hold the spoon."

I think Senators ought to be willing to hold the spoon, ought to be willing to say that there is a time for tough, hard decisions even if the result is temporarily unpopular. It is that important to the future of the country that we somehow balance Federal spending with revenues at least over a period of time.

What has that to do with the conference report on housing? It has everything to do with it because this is a massive budget buster.

We were down to talk to the President this morning and he said in unequivocal terms he will veto this bill. The question is here today whether or not we are going to find that there are at least 34 Senators who will vote against it, letting the world know that we will sustain his veto. He is going to veto the bill. That is not a doubt. You are not going to see, if you go down to the well to vote, the cryptic message that we sometimes get that the President's senior advisers will recommend the veto. The President says he is going to veto it. Unless he is struck by lightning between now and the time the bill gets to his desk, he is going to veto it. There is no doubt about it.

The question is whether or not accompanying the bill as it goes to his desk, if it does, there will be the dissenting votes of at least 34 Senators which will send a powerful signal to those who are watching us in Zurich, Tokyo, London, and on Wall Street and most important on Main Street, that there are enough votes in this Chamber to defeat the bill when the President vetoes it, that is, to sustain Mr. Reagan's veto.

Why should we do so? For five reasons:

First, because it is a massive budget buster.

Second, because it renews and reauthorizes programs which have outlived their usefulness and which are extravagant, programs like UDAG and the others.

Third, because it continues programs which have failed, which by their own definition are not succeeding. I am thinking of the low-income rent programs which end up costing about

three times as much per unit as other available programs to help low-income people.

Fourth, because the conference report contains some ambitious and novel new programs which were never considered by the Senate, the impact of which is not fully understood, which were never even the subject of hearings. I am speaking specifically of the new antidisplacement program which says if you get displaced as a low-income person by a CDGB project or a UDAG project, then you can apply for and get up to 10 years of subsidy for your rent.

Maybe there is some justification for this, but there is a quiet generous provision in present law that gets people relocated, and to just drop it into the conference report without any real understanding of its implications, that kind of a legislative proposal, is really breathtaking under the circumstances.

Fifth, most important of all, the reason to vote against this conference report is because it is absolutely the least timely piece of legislation one can imagine at a time when we are trying to get the budget deficit under control.

Mr. President, how much time do I have left? I desire to yield to several of my colleagues and I would like to be sure that each of them gets recognized.

The PRESIDING OFFICER. The Senator has 20 minutes and 30 seconds.

Mr. ARMSTRONG. I would like to yield to my colleague from Utah 5 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for 5 minutes.

Mr. GARN. I thank the Senator from Colorado. As the ranking Republican of the Senate Agriculture Committee, I would like to thank both the Senator from Colorado, Senator ARMSTRONG, and the Senator from Texas, Senator GRAMM, for their work in trying to defeat this incredibly expensive and poorly timed housing bill. They have worked tirelessly, and without those two Senators we simply would not be at the point where we are now, particularly in light of the overwhelming House vote.

I go from sadness to anger on this bill and the summit negotiations. One day I am very angry at my colleagues because they do not have the courage to do what is right. They are more concerned about next year's election and about what the various special-interest groups are saying today. And then I go from anger to pity and think how sad it is that we have people elected to public office to represent constituents who are demanding that we do something fiscally responsible in this body, but will not do it. I have seen this body change in the 13 years I

have been here. A lot of statesmen in both parties have put partisan differences aside to make difficult decisions. There is very little of that anymore. It seems to get more partisan each year, each month, and each day. If we have not seen proof of that in the last few weeks, we probably never will.

Here we are once again with an issue that if you are against this bill, you are against housing; if you are for it, you are for housing. We are often confronted with those choices in this body on various issues. They have simply made a litmus test of whether you are for or against something. I resent those kinds of characterizations because, supposedly, if we vote against this bill, we are antihousing, without regard to the content. To put it mildly, this is a lousy bill.

I am for housing, I suppose, as much as anybody in this body. I can prove that because 20 years ago when I was elected to the Salt Lake City Commission one of the first things I became aware of as a local government official was the need for housing for low- and moderate-income people. I think the record will show that I was interested in building housing, to the extent that when I was mayor of Salt Lake City, I got so disgusted with the waste and inefficiency of Federal housing programs, in dealing with the Department of Housing and Urban Development and the long delays while people were homeless and we could not build housing that finally I rejected Federal housing funds and said I did not care to participate in them anymore. I went to the Utah State Legislature and said, "We have people that need housing before winter. I can't deal with the waste and inefficiency of the Federal Government. If you will appropriate half a million dollars, we will match it out of local funds." And we had people in housing in a very short period of months.

So I am not going to sit back and listen to the rhetoric and the baloney about if you are opposed to this bill you are antihousing. I am one of the people in this body who has put people in housing—not theorize about it, not stand back here and beat yourself on the chest saying how great I am because I voted for billions and billions of dollars for housing without ever examining the programs, without ever finding how wasteful section 8 and many of the other subsidized programs are and looking at mile after mile and story after story of vacant HUD housing that has been repossessed, that has been vandalized, which is unusable, and at a tremendous cost.

Yet here we are faced with a bill that opens the door for unlimited spending in the future. We are playing games, as I said last Thursday night, with the numbers. We are being told that this is a \$15 billion bill and it has

\$600 million less than the original Senate bill. That is true and a statement of fact, but entirely misleading. It does not matter what the total amount is that you put on this authorization bill as long as you have provisions in there that say "such sums as may be appropriated". That is a blank check. CBO sits there and says \$15 billion because in those areas where it does not name a specific figure they score it at zero. The administration says it is \$19 billion. I will guarantee you they are wrong, too. They underestimate because in the 20 years I have been in public office, I do not care which housing bill you want to take or any of them before I was here, you will simply find out that in the debate on the floor of this Senate, in the House, and in the committees the estimates of what the bill would cost have been under every single time.

So after two or three decades, I think it is logical to assume—the Senator from Colorado is not on the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GARN. I ask the Senator from Colorado for 2 more minutes.

The PRESIDING OFFICER. Is there objection? The Senator from Utah has requested 2 additional minutes of the Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I would be pleased to do so.

The PRESIDING OFFICER. The Senator from Utah is recognized for 2 additional minutes.

Mr. GARN. The comment I was making when I ran out of time is I think it is absolutely a guaranteed statement that 5 years down the road I will be able to look back and say, "I told every Member of this body that that housing bill was not only going to cost more than \$15 billion, but it would cost more than the administration's estimate of \$19 billion." That is what we want to do in light of this budget crisis and the stock market crash.

We want to authorize new programs, and that is the major fault I have with this bill—the authorization of new spending programs. I am perfectly willing to work for a bill that continues existing programs, funds them at a proper level but this is not the time to start new programs that will authorize various sums of billions of dollars in the future. This is the time for this body to stand up, stop the rhetoric before the press, stop the rhetoric before your home folks, stop becoming fiscal conservatives and born again converts to balanced budgets, and then coming on this floor and continuing to vote for vast new sums. That is the way the American people ought to judge this vote.

This bill is a budget buster. Being for or against it is not being for or against housing. If you are against it, you are for fiscal responsibility. You

are doing something about the stock market. And the homebuilders and realtors ought to recognize that they cannot come and ask us for assistance in balancing the budget, lowering interest rates, lowering mortgage rates and then sell themselves in this bill for FHA provisions. I am for those provisions as well. But the special interest groups on this bill have been outrageous, even in some cases linking votes on this bill to whether those groups will give further PAC contributions for next year's election. I happen to think that is illegal under FEC regulations. None of those offers better come to this Senator or they will be reported. Let us look at this as a vote for fiscal responsibility and not whether you are for or against housing.

I thank the Senator from Colorado.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Who yields time?

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I want to stress once again the conferees on the housing bill were very sensitive to the budgetary pressures and therefore with great reluctance on the part of some members the conferees decided to reduce the authorizations in the housing bill below the amounts in either the Senate or the House-passed bill and below the amount the Appropriations Committee were expected to approve.

So as most Senators are well aware this conference report reduces spending for programs within it. The conferees were determined to comply with the congressional budget. They did. The problem that has confronted us with this point of order is that since September 30 any bill with direct spending to even a dollar in outlays has technically been exposed to a point of order under section 311 of the Budget Act. That situation has been created by the mechanics of congressional bookkeeping. It was created by two items. First, the continuing resolution was counted as if it extended for the full year rather than just through December 16. So it was recorded as a \$336 billion bill. Second, savings that are expected from the Reconciliation Act are not yet shown. As a result, until Congress takes final action on appropriation bills, and the reconciliation bill, the recorded budget totals will exceed the anticipated levels by over \$5 billion. In that situation, that has nothing to do with the housing bill. It does not do that itself. In that situation, section 311 of the Budget Act provides for a point of order against any bill that involves any spending, even \$1, even if that spending were to involve program reduc-

tions. The housing bill is exposed to the point of order because it includes three provisions that according to CBO involve the total of \$47 million in direct spending. All of these items were in the Senate-passed bill. However, to enhance the prospect that the Senate can act on the housing bill, which is urgently needed, we believe the direct spending impact of these provisions should be removed from the bill.

I would like to ask for the attention of the Senator from Colorado because I want to make a unanimous-consent request.

The point of order is technically correct because, due to circumstances beyond our control a spending bill would be subject to a point of order—anything that has even a dollar of expenditures. That has been the basis of the point of order raised by the Senator from Colorado. However, to enhance the prospect that the Senate can act on the housing bill, which is urgently needed, I believe and the Senator from New York and others believe that we should remove from the bill the direct spending impact of these provisions.

So I will now suggest that we proceed to correct this essentially technical problem with the bill. There is, I repeat, a technically proper basis for the point of order, even though substantially I do not believe it is correct.

Senator D'AMATO and I have prepared, and I will now offer, if I can—it takes unanimous consent for that—a concurrent resolution to correct the enrollment, so that we will remove all elements of the bill that make it subject to points of order under the Budget Act.

Under the unanimous-consent agreement, the Senate will be able to pass these changes because the enrollment bill is part of the unanimous-consent request. It comes later rather than before we conduct the votes that are scheduled. We are assured that the House will accept these changes.

Mr. President, with the explanation, on behalf of the Senator from New York and myself and others, I ask unanimous consent that the Senate immediately proceed to consider and to act upon, prior to the scheduled 3 o'clock vote, the correcting resolution referenced in the time agreement reached on Friday, November 13. That will cure the \$47 million problem. It will remove those items from the bill.

The PRESIDING OFFICER. Is there objection?

Mr. ARMSTRONG. Mr. President, reserving the right to object, it is no wonder that the Senator from California is regarded as a skillful legislator and parliamentarian. His suggestion is an ingenious one. But let me point out that if we were to follow the procedure he has recommended, the effect would be to have a resolution relating

to the enrollment of a bill which had not yet been passed.

Even if we were to follow that procedure and then pass the housing bill, both the bill and the resolution would go forward separately.

I am going to object to this request. But I point out to my friend that if he wants to amend the bill, it is not hard to do it. The way to do it is to forgo the budget waiver, which causes the Chair to then rule on the point of order, the conference report would follow, and we would have before us the Senate bill with the House amendment. It would then be in order for the Senator from California or any other Senator to move to concur in the House amendment with an amendment.

That would mean that we would really be amending the bill, not sending forward a separate resolution.

I have been down this line about assurances from the other body about agreeing to adopt a postenrollment resolution; and on at least one critical occasion which comes to my mind when I had been assured that was going to happen, it did not happen.

So, for these reasons, Mr. President, I must respectfully object.

The PRESIDING OFFICER. Objection is heard.

Mr. CRANSTON. Mr. President, I can understand the refusal of the Senator from Colorado to permit the unanimous-consent agreement to be adopted, because it would remove the reasons for the point of order—and it has now been made clear by the Senator's objection—which is obviously a move to prevent a housing bill from going through.

They have been claiming that this \$47 million in the bill is their problem. I propose to remove that problem, remove the basis of the point of order, and they refuse to let that be done.

I will state to the Senator from Colorado that I suggest another way we can achieve the same result; and, if need be, we will resort to that other way later on. I do not want to open up the measure to amendment now; but if we do not prevail on the point of order—we should prevail logically and in view of this latest development—then we will resort later to the other method proposed by the Senator from Colorado.

In one way or another, we will remove the \$47 million. I, therefore, urge all Senators to recognize that they might as well now agree to waiving the point of order.

The PRESIDING OFFICER. Who yields time?

Mr. ARMSTRONG. Mr. President, I was conferring with staff and did not hear everything that was said by the Senator from California, but I think I heard again those fateful words—the words that have been used repeatedly to sort of gloss over the true character

of this bill. I refer, of course, to the words "technical deficiency."

What we are talking about here is not a technicality: it is billions and billions of dollars. I will come back to that, but first let me ask how much time I have, because I want to yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Colorado has just under 12 minutes.

Mr. ARMSTRONG. I yield 5 minutes to the Senator from Texas.

Mr. GRAMM. I thank the Senator from Colorado for yielding.

Mr. President, I would like to address the issue of \$15 billion versus \$19 billion.

The issue, basically, is that this Housing Subcommittee, Banking Committee people, here on the floor, supporting this bill, say, "What is all the fuss about? After all, when we voted on this bill the first time in the Senate it was \$15.6 billion and passed. We reduced it to \$15 billion, and now everybody is screaming about its cost."

I remind my colleagues about something that I am sure supporters of the bill would like to forget. There are 175 provisions in the conference report before us today that were not present in the bill we adopted so long ago, back in the springtime—175 new provisions. Let me go over some of them and refresh the memory of those who may have forgotten.

You may remember that wonderful program, the Nehemiah program—Nehemiah being that wonderful figure from the Bible who saw people and took them in. We had amended that provision to try to focus it in on poor people being taken in. To be sure rich people were not taken in, and therefore the taxpayer was not taken in. But I think my colleagues will be astounded to find that the conference report before us allows us to give interest-free, and therefore highly subsidized loans, to people in Washington, DC, who make \$48,000 a year so they can buy townhouses.

I am from Texas, and there are no people in Texas making \$48,000 a year who are considered poor people. In fact, there are a lot of hard-working people in Texas who make a lot less than that. The idea of giving interest-free, highly subsidized loans to people in Washington, DC, making \$48,000 a year, does not sound to people out doing the work in the country as if we are taking care of poor people. That new figure is a new provision in this bill.

Let us look at another new provision in this bill. Say that you have poor people living in a neighborhood. You spend money for UDAG and CDBG and all these other Government programs. You succeed in raising the quality of the neighborhood and rents go up—something that the Housing

Program is trying to produce. This bill requires that you pay moving expenses to all the poor people who may be displaced and that you give them rent subsidies for 10 years. That is a totally new provision in this bill.

As the Senator from Colorado pointed out the other day, so far as we are aware, there has never been a hearing on that program. It is a totally new program, the expense of which nobody can ascertain, and all of a sudden it is in this bill.

Let me give you another provision in this bill. I remind my colleagues that we basically are working for a bankrupt organization here; that we are in the midst, as we speak, of the so-called high-level budget negotiations; that out of the more than \$1 trillion of Government spending, they are haggling over whether we can come up with \$26 billion in savings, hardly heady toting where I come from.

But in this bill we require that we have people go around to the Government housing projects and test the paint on the wall. If the paint has a lead content above a level that cannot even be tested save for one company in the whole country, which interestingly enough is in Austin, TX, if in fact this paint is found to contain that level of lead, someone has to scrape it off the wall. That provision alone costs \$914 million.

Now, I would say to my colleagues, at a time when the Government is broke, at a time when the economy is reacting to deficits, why are we adopting a law that requires \$914 million be spent to scrape paint off the wall in Government housing projects?

Interestingly enough none of our colleagues who are so strong for this bill have even explained this provision. I am going to give them an opportunity though, if we vote to reconsider this budget point of order. Not only are we required to spend \$914 million to scrape lead-based paint off Government housing projects—

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. GRAMM. Mr. President, lacking our colleague here, I ask unanimous consent that I may act as his standin and yield myself 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Perhaps I should have asked, Mr. President, that we simply withdraw the bill. Everyone was so accommodating.

Now, there is a provision of this bill, however, which has received no debate and I suspect no analysis. That provision says that HUD has to do a study of every house that has a loan guaranteed by the Federal Government and has to come up with a plan for lead-based paint removal. If they refuse to come up with a plan, then private households will have to come up with

\$200 to have their house inspected for lead-based paint and come up with an average of \$8,000 to scrape it off the walls.

Now, that is interesting. We have people all over the country who are having trouble paying their bills. Now we are getting ready to mandate that they spend \$200 to have someone come in with a magnifying glass and scrape paint off their wall, looking for lead. If lead is found, then they will have to spend \$8,000 to scrape paint off their wall even if no one has demonstrated that this paint does you any harm.

I could go on and on about other provisions, but I will just conclude with one. As you know, we happily eliminated the CETA Program in 1982. This bill, interestingly enough, says that the salaries of former CETA workers will be added to the list of costs eligible for Federal operating subsidies paid to public housing authorities.

Think about that. A program that we eliminated in the 1981 budget now all of a sudden reappears here in 1987. This is a new provision that was not in the bill, by the way, that our colleagues in this body voted for back in the springtime. Now all of a sudden we are going to go back in figuring out operating subsidies and pretend as if CETA was never eliminated, and we are going to give people the money.

Now, I could go on and on and on and on. Here is a provision paying people for flood damage before it occurs. That is interesting.

The point is that this bill is a dog, and the people who are supporting this bill ought to be ashamed of it. We ought to vote this bill down. I assure you if we sustain the budget point of order, you are going to get a chance to vote on each one of these provisions and let people know whether you want to impose an \$8,000 cost on every household in America to scrape paint.

The PRESIDING OFFICER. The time has expired.

Who yields time?

Mr. D'AMATO. Mr. President, I ask for 7 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 7 minutes.

Mr. D'AMATO. Mr. President, we have just heard a rather frightening presentation of the dire budget consequences if indeed what was stated was accurate. The fact is it is not accurate.

I refer to the comments addressed by the Senator from Texas as it relates to lead-based paint inspections. OMB says \$900 million more, that is what it is going to cost. That is part and parcel of their disinformation. It is absolutely hogwash, to borrow the phrase that the Senator from Texas so often uses, and I am getting tired of having these dead cats and dead dogs dragged across the Chamber repeated-

ly when he talks about special interests.

We need decent affordable housing to give our young people an opportunity to live in dignity with a hope of owning their own home and give senior citizens an opportunity not to live in a hovel, that they can have a house or, yes, a home that is clean and decent even if they have just Social Security. I think it is disgraceful we only provide 11,202, that is, housing for senior citizens in this bill. That is what we came to in an attempt to accommodate the administration.

What about this \$900 million? Mr. President, we have already eliminated some 450,000 units that had lead paint base on the walls that were dangerous to youngsters. There now exists some 350,000 units and it is estimated over a period of some 5 years, it will take \$700 million to \$900 million to correct this and those dollars are ready and will be provided over the next 5 years from the Comprehensive Improvement Assistance Program, without 1 penny of additional cost added on this bill.

If you want to hear about hogwash, it is hogwash to attempt to add another cost on something that is already provided for and will be funded. That is the hogwash we have been hearing, and I am kind of tired of the same Senators who come here when it is not their special interest or special needs. The Agriculture Assistance Program ballooned from \$8 billion in 1980 to over \$30 billion now. Let us take a look at housing programs in the same period of time.

All housing programs in 1980, \$29 billion; 1987, \$11.5 billion, a reduction of 70 percent. Agriculture went from \$8 billion to \$30 billion, an increase. Assisted housing went from \$26 billion down to \$7.5 billion, again better than a 70-percent reduction.

Mr. President, I would like to refer to some remarks from the distinguished colleague in the Congress in the House of Representatives, Congressman BARTLETT. Let me tell you what he said. He rose in support of this conference report and he said, "This legislation is much improved legislation over the status quo of housing."

He said that we would be stuck with the status quo, which consigns our people to the public housing units without hope of homeownership, without hope of tenant management, without an opportunity to improve, without moving forward so that people have an opportunity, and these provisions that make a difference and will provide an opportunity for decent, safe and, yes, someday affordable housing opportunities are contained in this bill.

As a matter of fact, Mr. BARTLETT goes on to say "I emphasize we should

pass this bill, because it saves \$300 million in comparison to legislation that we had last year."

He notes that he voted twice against the previous bills.

I note that this bill is some \$600 million under that which we have authorized here in the Senate.

Let us talk about this straw man of those who would support this budget buster.

This passed 399 to 1 in the House of Representatives, this very same bill. If we are going to talk about the big spending, the big fancy liberals, look at some of the people who voted for it. Congressman DORNAN from California. How did he vote? Mr. President, he voted for the bill. Congressman HYDE, a big spending liberal. He voted for the bill. Congressman CHENEY. He voted for this housing bill. Congressman GINGRICH. Oh, he must be a big spender. Yes, he is for getting into everybody's house and everybody's life. He has been spending lots and lots of money. He did not know what he was doing. Oh, no, he was wrong. He voted for this bill.

My gosh, what about TRENT LOTT? We know he likes to spend a lot of money. We know he is a big budget buster. Can you imagine, Mr. President, he voted for this bill?

I have to tell you Congressman VANDER JAGT, he did not want what was in this bill. Absolutely not. He is for busting the budget. That is if you would believe the nonsense that we hear here today.

Of course, they must have been captives of the special interest groups. Oh, they were worried. They were worried the people are not going to support them. VANDER JAGT is worried. Some group is going to oppose him if he did not vote for this bill; I guess all 399 Members.

I want to tell you I am sick and tired of hearing the kind of nonsense that if you do not fall into step with the ideologues here somehow the special interests have got you; they have captivated you.

I can take a look at special interest legislation. The Hoover Dam legislation. Sell cheap power. Give it away. Do not sell it at market rates. You want to save some money—\$6 billion.

The same people down here on the floor talking about giveaways, they could not wait to get out there. Agricultural subsidies, they cannot wait to get out there and to put it through.

This is no budget buster. Let me tell you something. The financial marketplaces are not looking at what is happening with this bill because if other bills were treated like this bill we would not have these deficits today. They would be cut.

I am kind of tired of that demagogic nonsense and rhetoric that we hear. It is not truthful. It is filled with distortions.

Lord knows there are many programs in the public housing area that we could improve, and this bill makes an attempt to do just that, Mr. President.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. D'AMATO. I yield the floor.

Mr. GRAMM. Would the Senator yield me 1 minute?

Mr. ARMSTRONG. How much time remains?

The PRESIDING OFFICER. The Senator from Colorado has 3 minutes and 23 seconds.

Mr. ARMSTRONG. Mr. President, I will be happy to yield a minute to the Senator from Texas.

Mr. GRAMM. I would like to ask the Senator from New York to show me in his \$15 billion cost figure on this bill where the money is to scrape the lead-base paint off the walls. I would like to see where they are on the adding up of figures for \$15 billion.

Mr. D'AMATO. Mr. President, those moneys come from the Comprehensive Improvement Assistance Program. These are presently being funded and it is estimated that over the next 5 years approximately \$2.2 billion will be made available. No new funding will be required. We have already, pursuant to that program, eliminated 450,000 of the units that the Senator talks about that constitute a danger.

Mr. GRAMM. Will the Senator tell me from where the money is being made available?

Mr. D'AMATO. Well, if you look at page 7 of the Housing and Community Development Act of 1987, it says, for comprehensive improvement assistance grants, under section 14, \$1.7 billion. That is the community improvement assistance grants under section 14, page 7.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. ARMSTRONG. Mr. President, I would yield 1 additional minute.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. First of all, I would like to point out that the distinguished Senator from New York voted for the farm bill. The distinguished Senator from Texas voted against it.

If you look at your CBO scoring on the lead-based paint, you will find that the Congressional Budget Office recognizes that there are costs, but since no figure was provided in the bill, CBO counts it as zero costs in coming up with its \$15 billion total for the bill.

OMB, in consultation with HUD, the agency that will carry out the program, came up with a cost of \$914 million overall and \$200 million in this year.

So it is great to stand up and rant and rave and accuse people of dema-

gogery, but the fact is the \$15 billion does not provide any funding for the lead-base paint removal program. And again, this is not a case of my voting for one spending bill and opposing another. The distinguished Senator from New York voted for the farm program. The distinguished Senator from Texas voted against it.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Who yields time?

Mr. D'AMATO. Mr. President, might I have 30 seconds?

The PRESIDING OFFICER. The Senator from New York is recognized for 30 seconds.

Mr. D'AMATO. The fact of the matter is the Comprehensive Improvement Assistance Program contains and clearly the conferees intended for the money that has been appropriated for use on lead paint removal.

In terms of indicating where the disproportionate cuts have taken place, the Senator does not yield on that position. As it relates to agriculture it goes from \$8 billion to \$30 billion. There have been these increases. But just the opposite in terms of housing, going from \$30 billion down to \$7 billion.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Who yields time?

Mr. ARMSTRONG. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered on the motion to reconsider.

Mr. ARMSTRONG. Mr. President, it was my suggestion to the managers that we dispense with the yeas and nays on the motion to reconsider. I think it is unnecessary, but I understand there would be some objection on the other side to doing so. In due course, I guess in 4 or 5 minutes, then, we will have a vote on that motion. I am going to vote for it. I expect the motion, in fact, will carry 100 to nothing.

But, as I understand it, it serves the purpose of bringing Members back to the floor and it is the feeling on the other side that that is a good purpose.

After that, as I understand it, we will have an hour of debate on the motion to waive the Budget Act. At that time, I will address some of the issues that have been raised by the Senator from New York and others. I will present my view of what happened in the House of Representatives. I will read into the RECORD for the entertainment of Senators the views of the chamber of commerce, the National Taxpayers Union, and some of the Nation's newspapers.

I gather I am about out of time. I thank the Chair for his courtesy and I

am ready to go to the vote on this and then debate the bill on its merits.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Who yields time?

Mr. DIXON. Mr. President, how much time do we have left on this side?

The PRESIDING OFFICER. The Senator has 4 minutes and 25 seconds.

Mr. DIXON. Mr. President, I yield myself whatever portion of that time will be required for a brief closing. I would say to my colleagues that we do object to dispensing with the rollcall in view of the fact that several of our colleagues have returned here prepared to vote on this issue at approximately 3 o'clock.

My friend from Colorado made some eloquent remarks earlier on about the necessity for doing the appropriate things to address the budgetary deficit problem by indicating that he is prepared to vote for a substantial package that will meet our concerns over the next couple years. I hope that the Senator from Colorado knows that there are a good many other Senators on this side who are prepared to do that, as well. This Senator is certainly prepared to support whatever product might ensue as a result of the discussion concerning the budget deficit right down the hallway in which the legislative leaders of the two Houses and the administration are involved.

I simply want to say in conclusion that I think that the opponents to this housing bill are picking on the wrong piece of legislation. When we talk about housing, we are talking about one significant sector of the budget where cuts have taken place every year since the Presiding Officer in that chair and this Senator came here in the 1980 election, cuts of 70 percent, Mr. President, in housing during the Reagan administration from January 1981 until this date.

Earlier, this Senator put into the RECORD a front page article from the Chicago Tribune—a newspaper, incidentally, which endorsed President Reagan in both of his Presidential campaigns—showing that, in my own State of Illinois, Mr. President, housing assistance from the Federal Government has been cut 87 percent in the 6½ years of this administration's tenure here in Washington, DC—87 percent.

I suggest to my colleagues who are here speaking so eloquently and so movingly in opposition to this legislation, yes, cuts should take place. There are plenty of programs where cuts ought to take place. But housing is the one program that repeatedly, year after year after interminable year, has taken deep cuts under the administration here in power in Washington, DC. We have cut money for the hungry and homeless, we have cut the WIC

Program that addresses the problem of infant mortality, and we have cut housing for the poor in America every year since this Senator has been in the U.S. Senate—now my colleagues on the other side want to cut housing programs again.

I would suggest there are plenty of places to cut. This Senator is prepared to make those cuts. However, housing is not the place to cut.

I am delighted to yield the remainder of my time, whatever it might be, and I assume it is a minute or two, to my colleague from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let me just compliment my colleague for his eloquence and the passion and the truthfulness of his observations.

Let me also remind my colleague from Illinois that, indeed, this bill cuts \$300 million from the figure of last year.

Mr. DIXON. And it is \$600 million under budgeted this year.

Mr. D'AMATO. Still cutting.

And that is why we have come with the passion that we have is because we have taken the cuts. We have attempted to work out the differences.

Mr. DIXON. Would my colleague from New York State yield?

Mr. D'AMATO. Yes.

Mr. DIXON. Is it not true we are \$600 billion under the budget authority originally granted?

Mr. D'AMATO. That is correct; \$600 million under the budget authority, \$900 million under the authority of the House, and \$300 million under last year's appropriation.

Mr. SARBANES. Will the Senator yield?

Mr. D'AMATO. Yes.

Mr. SARBANES. Just to sharpen that up, actually the conference report is less than what was either in the House or Senate-passed bill; is that not correct?

Mr. D'AMATO. That is correct.

Mr. SARBANES. So the conferees, in an abundance of sensitivity to this issue, brought back a figure below either bill that had passed the Senate or the House.

Mr. D'AMATO. And that is the tragedy. Those who attempt to say if we support this, we are budget busters when, indeed, if others had done the kind of work we attempted to do here they would be meeting fiscal responsibility.

Mr. SARBANES. The Senator is absolutely correct.

Mr. CONRAD. Would the Senator yield for a question?

Mr. D'AMATO. Yes.

Mr. CONRAD. Let me just say that this is one Senator who has not made up his mind on voting for the budget waiver. I voted for it the other day. I voted for it with the understanding that had been given to me by my staff

that it was not over budget. Not over budget.

I would like to get resolved right here, right now, if possible, what the facts are.

The PRESIDING OFFICER. The Chair will inform the distinguished Senator that all time has expired.

Mr. CONRAD. I ask unanimous consent for an additional 5 minutes so that we can get this matter straightened out on the record so that Senators would be able to know: Is this over budget or is it not over budget?

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. ARMSTRONG. Reserving the right to object, I will not object if the Senator insists upon his unanimous consent request, but I would point out that following this vote, which we expect to be a unanimous-consent, 100 to 0 vote, we are going to have an hour of debate on exactly that point, so perhaps he could be recognized at that time.

Mr. CONRAD. Perhaps I could just inform the Senator, I will be in the Chair and that is why I tried to take this opportunity. I would very much like to know the facts before I vote.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. ARMSTRONG. Under the circumstances, I have no objection.

The PRESIDING OFFICER. We will continue for 5 additional minutes. Who yields time?

Mr. DIXON. May I say to my friend from North Dakota that we have a representative of the Budget Committee here who advises that this bill is in fact \$600 million under the original freeze which was the budget authority for this year.

Mr. CONRAD. Could I get a response from the Senator from Texas as well, who has a different view?

Mr. GRAMM. I would be happy to respond if the Senator would yield and if he would take that piece of paper that a page is handing him.

What you have on the left is a list of the CBO-stated costs. What you have on the right are OMB costs. Let me just go down what is missing.

The first item is additional appropriations needed to fund existing FMHA obligations from past losses. This is a required annual appropriation, and it is \$1 billion. It is not included in the \$15 billion that we are told that this program costs, but it is, in fact, a required appropriation.

If you go down the list further you will find items such as increased administrative fees for public housing authorities, annual fair market rent increases, replacement vouchers for public housing that is demolished. And you have also the so-called lead-based paint provision that I discussed.

It is true that there is some funding in CIAP, but those funds are already being used to replace boilers, and to make other improvements. We are looking at \$200 million needed the first year for lead-based paint removal. No further funds are counted for that purpose.

If you continue to go down the list you find CETA employees being provided subsidies. That is an additional \$280 million. Nowhere in the stated costs for the conference report is that included.

And look at the last item. This conference report diverts unobligated funds back into expenditures. The current level of those funds are \$1 billion. That is \$1 billion that is spent under this provision but is not counted.

So, if you add all of these things up, the total comes to approximately \$19 billion rather than \$15 billion.

Mr. CONRAD. If I might further question those who are in possession of the facts, I have heard three different numbers for 1988. I have been told that we are \$47 million over budget allocations for fiscal 1988. I have also heard that we are \$300 million under, or \$600 million under.

Is there someone here who could straighten this out so that when Senators vote they would know?

Mr. GRAMM. Would the distinguished Senator yield on that?

Mr. CONRAD. Yes.

Mr. GRAMM. If we were not, in this bill, raising the deficit by \$47 million, there would have been no point of order against the bill and we would not be voting on the point of order.

This bill provides \$47 million in direct expenditures. Since we are already over budget, that is a further increase in expenditure over the amount set out in the budget that was adopted in the Congress. Therefore, the deficit is directly raised by \$47 million as a result of the adoption of this conference report.

That is why there was a budget point of order. That is the vehicle that the distinguished Senator from Colorado used in raising the budget point of order against the bill.

Were it not so, there might have been no budget point of order.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. We have already agreed to remove that \$47 million, as the Senator from Texas knows, and I have six points here that will refute every argument of theirs that indicates that there is any budget violation here. I am again prepared to say on the basis of everything that we have at hand that this is \$600 million under the budget, may I say to my friend from North Dakota, and at the appropriate time after this vote, in the next discussion, we will itemize six points to refute what the Senator from Texas has suggested.

Mr. SARBANES. Will the Senator yield on that point? I would say to my distinguished colleague from North Dakota, the Senator from Texas has just said that the point of order rests on \$47 million. He has made that statement himself.

The Senator from Illinois has said there will be a resolution to address that very limited amendment; about which there has been a technical problem.

The chart that was given to the Senator contrasts \$19 billion as against \$15 billion. And by the admissions made right here on the floor, that is not the issue. The items in that chart are not applicable and they will be explained away to you in the longer debate. They were done by the Senator from California, the manager of the bill, in the previous discussion when he took apart the OMB analysis of this bill.

So, by this statement right here on the floor you are back to the \$47 million. And, even that is technical and that is to be addressed on the chart that has been handed to you. That is in the billions, and that completely obfuscates the issue, I say to the Senator.

Mr. DODD. Mr. President, I rise in strong support of the conference agreement on the Housing and Community Development Act of 1987. I must particularly commend my colleague, Senator CRANSTON, who as chairman of the Senate Subcommittee on Housing and Urban Affairs and as chairman of this housing conference, has skillfully brought this critical legislation to the Senate floor. It was through the hard fought efforts of Senator CRANSTON, Senator D'AMATO and the other conferees and their staffs that we were able to achieve the necessary, and at times, difficult, compromise with our colleagues in the House that will allow the passage of this bipartisan and important legislation.

This legislation marks the end of a 7-year assault on Federal housing policy. Its passage here today, I hope, will signal the beginning of an era—one in which we in Congress will see to it that housing regains its rightful place on the agenda of national priorities.

No one on either side of the aisle, Democrat or Republican alike, denies the difficult reality of our time—that arduous and painful budgetary decisions constrain every area of policy debate. One need only look to the bipartisan budget summit presently underway to understand how desperately we need to slash our present budget deficit and how difficult it is to decide how we do that.

But where housing is concerned, the administration and Congress have gone beyond the bounds of reason. In the last 7 years, HUD's budget has

been slashed by more than two-thirds and these were not just Democratic programs; many of these programs were developed during Republican administrations.

This has not been fiscal austerity. This has been the administration and Congress telling us that the Federal Government has no role to play in providing housing assistance for poor and middle income Americans. This has been the administration and a majority in the Congress telling us to forget any timeworn notions of a Federal housing policy—that as far as they are concerned, there are neither the resources, inclination or time to care whether the wealthiest nation on Earth provides clean, safe, affordable housing for its citizens.

This conference agreement on the Housing and Community Development Act would hold the line on this 7-year assault and begin the process of renewing the Government's 50-year-old bipartisan commitment to the housing needs of all Americans.

The bill freezes authorization for housing and community development programs for fiscal years 1988 and 1989 at fiscal 1987 year levels (\$15 billion in fiscal year 1987; \$15.6 billion in fiscal year 1989)—70 percent less than those at the time the Reagan administration took office in 1981.

I would have preferred not to see a freeze. Housing programs have already carried a disproportionate burden of the budget cuts over the last 7 years and a powerful case can be made for increased funding levels. But, we have chosen, instead, to make sure that we pass a housing bill this year. Freezing authorization levels seems the best way to assure that that will happen.

The bill makes permanent the insuring authority of the Federal Housing Administration [FHA]. This measure, which I introduced earlier this year, eliminates the periodic lapses in authority that have plagued the program. FHA insuring authority lapsed six times in fiscal year 1986 alone, generating widespread uncertainty among middle and lower income buyers. Over the years, with Congress forced to continually reauthorize the program, the temptation to play politics and interrupt the program was too great. This legislation now takes the FHA out of the political arena and removes that temptation.

The bill prohibits the imposition of administration "user fees" on FHA, Fannie Mae, Freddie Mac, and Ginnie Mae. A "tax" by any other name, such user fees serve only to drive up mortgage costs to homebuyers.

The issue of the preservation of our Nation's low-income housing stock is importantly addressed in this legislation. Over the next few years, as many as 950,000 of the Nation's low-income housing units could be lost because of

mortgage prepayments and the expiration of section 8 rental housing assistance. The conference agreement establishes a 2-year, interim solution to the preservation puzzle with the intention of developing permanent legislation during that 2-year period with the help of Federal, State and local task forces already reviewing this staggering problem. The intent of the preservation provision is threefold: to preserve low-income housing, to minimize the displacement of tenants, and to continue the public/private partnership in low-income housing.

Mr. President, as you well know, this conference agreement was passed overwhelmingly by the other body; only one vote was cast against it. It should be so passed by this body so that we can send an unequivocal and bipartisan signal that the administration and Congress are committed to improving the availability and affordability of housing for all Americans.

This legislation hardly solves the crises of housing and homelessness in our Nation; but its passage will signal the beginning of a renewed process toward the establishment of a Federal housing policy—one, of course, tempered by budgetary reality, but driven by our commitment to meet the shelter needs of our citizens.

The passage of this legislation will allow us to move forward, to plan for the future of housing policy in our Nation. In fact, I commend Chairman CRANSTON for the work he has already undertaken with the National Housing Task Force, bringing together the Nation's best housing minds in a nonpartisan effort to outline the future of housing policy.

As I assess the constructive dialog emerging from the national task force and from other quarters, it occurs to me that a housing policy which heeds the oftentimes difficult lessons of the past and which anticipates the emerging needs of the future, must rest on a number of basic principles which: First, recognize the central role that State and local governments must play in the establishment of an effective national housing policy; second, use limited Federal resources to leverage substantial private investment; third, target limited Federal resources based on need; and fourth, better coordinate tax and spending policies.

In light of these principles and in hopes of contributing to Senator CRANSTON's effort to pass comprehensive housing legislation in the second session of the 100th Congress, I plan to introduce legislation to establish a housing block grant or "challenge grant" program as a way of involving all three levels of government and the private sector in maximizing the resources necessary to establish effective Federal housing policy. I look forward to working on this legislation with my colleagues on both sides of the aisle.

Today, however, I urge my colleagues to vote for this conference report so that we can, at long last, move on to the challenges that the future of housing policy in this Nation demand of us.

Mr. President, one further point, if I may. Last Friday, as you well know, the motion to waive section 311 of the Budget Act with regard to this legislation, was rejected. It was, in my view, regrettable that that happened. It was regrettable not only because that action further delayed the passage of this legislation on which so many Americans depend, but also because the arguments employed to justify rejecting the waiver were spurious and bombastic—driven by ideologies unalterably opposed to any Federal commitment to housing policy, but cloaked in the alluring rhetoric of budget-speak.

As my colleagues from California and New York have both so articulately stated, the authorization levels agreed to by the conferees on this housing bill are well within the amounts assumed in the congressional budget resolution. They are about \$600 million below the freeze level that was approved by this body by a vote of 71 yeas to 27 nays on March 31 of this year. And the conference agreement is below the House-passed authorization level by about \$900 million. In remarkable bipartisan spirit and in response to intense budgetary pressures, the conferees decided to reduce the authorizations in the housing bill below amounts that the Appropriations Committees were expected to provide.

I needn't remind my colleagues of the whole story, here. They are well aware that since September 30 of this year, any bill with direct spending of even a penny in outlays has been, as my friend of California has already stated, technically exposed to a point of order under section 311 of the Budget Act.

And here we have a housing bill at levels well below that agreed to in the budget resolution; here we have a housing bill at levels 70 percent slashed since 1981; and here it is that we choose the field on which to play out our budget battles. It's preposterous.

I know that Senators CRANSTON and D'AMATO will move to correct the enrolling in the bill so as to remove all elements that make it subject to points of order under the Budget Act. The items to be removed were all part of the Senate-passed housing bill and are, in my view, important provisions consistent with the spirit of the legislation already approved by this body.

But we need a housing bill now. We needed a housing bill 6 years ago. And so I will support removing the provisions in the bill which make it subject to a point of order so as to secure the

passage of this long-awaited housing legislation.

The PRESIDING OFFICER. The Chair will inform the Chamber that under the previous agreement, the hour of 3 o'clock having arrived, the question is on agreeing to the motion to reconsider the vote by which the motion to waive the Budget Act failed. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll. The PRESIDING OFFICER (Mr. CONRAD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 379 Leg.]

YEAS—99

Adams	Garn	Moynihan
Armstrong	Glenn	Murkowski
Baucus	Gore	Nickles
Bentsen	Graham	Nunn
Biden	Gramm	Packwood
Bingaman	Grassley	Pell
Bond	Harkin	Pressler
Boren	Hatch	Proxmire
Boschwitz	Hatfield	Pryor
Bradley	Hecht	Quayle
Breaux	Heflin	Reld
Bumpers	Heinz	Riegle
Burdick	Helms	Rockefeller
Byrd	Hollings	Roth
Chafee	Inouye	Rudman
Chiles	Johnston	Sanford
Cochran	Karnes	Sarbanes
Cohen	Kassebaum	Sasser
Conrad	Kasten	Shelby
Cranston	Kennedy	Simon
D'Amato	Kerry	Simpson
Danforth	Lautenberg	Specter
Daschle	Leahy	Stafford
DeConcini	Levin	Stennis
Dixon	Lugar	Stevens
Dodd	Matsunaga	Symms
Dole	McCain	Thurmond
Domenici	McClure	Trible
Durenberger	McConnell	Wallop
Evans	Melcher	Warner
Exon	Metzenbaum	Weicker
Ford	Mikulski	Wilson
Fowler	Mitchell	Wirth

NAYS—1

Humphrey

So the motion to reconsider was agreed to.

The PRESIDING OFFICER. There is now 1 hour of debate on the motion to waive the Budget Act.

Mr. ARMSTRONG. Mr. President, the Senate is not in order.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order. Please clear the aisles and stop conversations so we can hear Senators who are seeking recognition.

The Senator from California.

Mr. CRANSTON. I would like the attention of all Senators just for 1 moment. The point of order that was made against this measure was based upon a \$47 million total of three items that were technically off budget even though they represented a reduction in spending. This conference report represents a reduction under the Senate bill that was passed, and under the House bill that was passed under

expected appropriations. It is fiscally very responsible. But for technical reasons, it is possible now to make a point of order against any measure that comes before us that has any spending in it until Congress takes final action on appropriations bills and the reconciliation bill because the recorded budget totals will exceed the anticipated levels by over \$5 billion. That means that any bill that has \$1 of spending in it can be subject to this point of order.

So technically it was an appropriate point of order. But it related to \$47 million. We are going to take that \$47 million out of this conference report before we adopt the enrollment corrections that are part of the unanimous-consent request.

In order to try to clear this up before the vote on the waiver and before the vote on reconsideration which we just had, I ask unanimous consent to remove the \$47 million right now by acting on the enrollment before the vote we just conducted.

Mr. ARMSTRONG. Mr. President, will the Senator yield?

Mr. CRANSTON. In just 1 moment and I will be glad to yield. The Senator from Colorado objected to our removing the \$47 million as a basis of the point of order. We are going to remove it. We could not then because of the objection. We will shortly. So there is no reason now to support the point of order. We should be granted the waiver since we are committed to removing and we will remove the \$47 million that has been objected to for technical reasons.

I am glad to yield to the Senator from Colorado.

Mr. ARMSTRONG. Mr. President, perhaps it would be better if I wait until the Senator completes his statement, and I would seek the floor. I am going to observe that the Senator is apparently inadvertently misstating the information. I believe it was the unanimous-consent request of the Senator that he be permitted to offer a separate resolution which would travel a separate course as a separate legislative vehicle instructing the enrolling clerk to change the bill after third reading. That is not the same as offering an amendment to the bill itself. While it has potentially a similar effect, it is not inevitably so.

I reminded the Senator at the time he offered this unanimous-consent request, if I understood it correctly, of an occasion when I had agreed of such a request upon the assurance that the House would also agree to the enrolling resolution. In fact, they did not come through on their agreement. But rather than debate that at this point and bog down on that particular issue, I would like to wait and seek recognition when the Senator has completed his statement.

Mr. CRANSTON. Let me state there are two ways to do this. This would have had the practical effect of removing the \$47 million. We received assurances from the key people in the House saying they would accept this. If that could have been done, we would not have resolved the \$47 million item. But there was objection to doing it that way, and the Senator from Colorado has restated his reasons.

If by any chance the waiver fails—I do not think it will now—but suppose it fails, we will then have before the Senate at that time the pending business, which will be the housing amendments to the Senate bill, S. 825, and at that point will amend that bill and take out the \$47 million. So we are going to get rid of the \$47 million one way or the other. The simplest way to do it is the way I have suggested.

If we waive the Budget Act, I then am absolutely committed to seeing to it that we get rid of that \$47 million.

I would like now to state some of the other reasons.

Mr. President, a large majority of the Senate wants to move without further delay to act on the conference report on the Housing and Community Development Act.

Most Senators want to vote for the conference report because they know it is sound legislation. This bill makes modest reforms in housing law that are important and long overdue.

Most Senators know the conference report is fiscally responsible—even fiscally conservative. This bill has authorization levels significantly below what Congress has provided in recent years for housing. It holds funding well within the congressional budget. It includes funding levels that are \$600 million below the Senate-passed bill and \$900 million below the House-passed bill.

Most Senators know that the housing bill is important to the American people. This bill would make home mortgage credit available on a more reliable and more affordable basis in every region of the country. This bill would help keep the dream of homeownership from drifting beyond the reach of American families who are willing to work for it. This bill would prevent thousands of poor people—many of them elderly—from being forced out of their apartments in the next few months with little chance to find decent, affordable housing. This bill would help preserve what is left of the country's housing that is affordable to low- and moderate-income people. This bill would make it more certain that vital housing assistance goes to those who really need it—in cities, in suburban communities, and in rural areas. This bill would strengthen the ability of States and local governments to improve the

quality of neighborhoods and attract good jobs.

Most Senators know that this is bipartisan legislation that has been hammered out over many months in a serious effort to meet the legitimate needs of different parts of the country. It passed the House by a vote of 391 to 1, with the leadership of both parties for it.

Most Senators know that this is a good bill that deserves to be enacted promptly.

Unfortunately, Mr. President, a small minority of Senators is determined to do all they can to frustrate Senate consideration of any housing legislation.

They have been able to keep housing legislation off the Senate floor for the past 3 years with threats of filibuster and other parliamentary obstacles. We have not passed a significant bill on housing for 7 years.

Now these Senators have been joined by ideologues in the Reagan administration who want to make a last-gasp effort to follow through on their New Right agenda to eradicate a long established national commitment of Federal support for affordable housing.

Administration tactics are interesting. They laid low when the housing bill was in committee, where their extremist views would have been rejected by a bipartisan majority. They held back when the housing bill came to the Senate floor, where their amendments would have been defeated—again by a bipartisan majority. They did not participate during conference, even when leading Republicans worked hard to find a common ground. For months, the administration spokespeople tried to sabotage a housing bill by passive resistance.

But we have made fine progress despite them. Congress has stood up to a number of difficult housing problems and developed a sound piece of housing legislation that has broad support across the country. We have a conference report that won near unanimous support in the other body, from members of both parties, all regions of the country, and a wide variety of political philosophies. Even some very conservative Republican conferees have told me that we now have a bill that the President should sign—and, if he does not they would vote to override a veto.

But now that the housing bill is at long last ready for final passage, the opponents of housing are trying to spring an ambush on the Senate floor with false charges about the bill's contents, with outrageously misleading OMB estimates of the bill's costs, and with inappropriate parliamentary maneuvering.

They found a way in which to raise a point of order under the Budget Act to throw up a roadblock that can be used

against virtually any bill with any spending coming to the Senate floor at this time, even if it is on spending reduction, under current circumstances.

Now the Senate is in the uncomfortable position of having to vote to waive the Budget Act so that it can consider the housing bill on its merits.

I tried to get rid of the \$47 million problem by unanimous consent, and that was blocked. We will do that later. There will not be a \$47 million problem when we are done.

I want to stress once again that conferees on the housing bill were very sensitive to the budgetary pressures and therefore, with great reluctance on the part of some Members, the conferees decided to reduce the authorizations in the housing bill even below amounts that the Appropriations Committees were expected to provide.

So, as most Senators are well aware, this conference report reduces spending for programs within it. The conferees were determined to comply with the congressional budget.

The problem is that, since September 30, any bill with direct spending of even a dollar in outlays has technically been exposed to a point of order under section 311 of the Budget Act. That situation has been created by the mechanics of congressional bookkeeping. It was created by two items. First, the continuing resolution was counted as if it extended for the full year rather than just through December 16—so it was recorded as a \$336 billion bill. Second, savings that are expected from the Reconciliation Act are not yet shown.

As a result, until Congress takes final action on appropriations bills and the reconciliation bill, the recorded budget totals will exceed the anticipated levels by over \$5 billion. In that situation, section 311 of the Budget Act provides for a point of order against any bill that involves any spending, even if that spending would involve program reductions.

The housing bill is exposed to the point of order because it includes three provisions that, according to CBO, involve a total of \$47 million in direct spending. All of these items were in the Senate-passed bill.

Let me describe these items briefly that have caused this problem, the total of \$47 million. These provisions are, I believe, sound public policy and consistent with earlier actions of Congress, and I am willing to get rid of them.

One of these provisions would provide adequate resources for the administration of the housing voucher and certificate program to ensure that assistance is going to those who need it.

What is a voucher program? That is the No. 1 pet of the Reagan administration, their proposed solution to housing problems. The Reagan administration has advocated sole reliance

on housing vouchers but has cut the funds available to administer the program well. This provision was included to support sound management and to reduce the likelihood of fraud, abuse and frustration for those who most need housing assistance. Funding would come from amounts appropriated for housing vouchers and certificates. But it creates direct spending in the bill because funds are spent faster for administration. So when we get to that point, I will move to make the change in fees subject to approval in appropriations acts. So it will not be there, unless it is appropriated.

A second of these provisions would instruct HUD to comply with its written agreements with several States and close out funding that was appropriated in the early 1970's for this purpose. Conferees believed that the Federal Government should live up to its commitments and instructed HUD to close out this activity promptly and rescind remaining funds for those to whom they are obligated. But that close out was judged by CBO to involve direct spending. We will move to subject this provision to appropriations action.

The third of these provisions would permit certain cities to retain proceeds from the sale of land purchased years ago with urban renewal assistance. Development activities of these cities have helped increase the value of the land and they wanted to use the proceeds in compliance with the Community Development Block Grant Program. In earlier years, Congress has permitted three other cities—including Denver, CO—to retain their funds in this way. Our motion would strike this provision from the enrolled bill.

After consulting with CBO and the Budget Committee, we are certain that our proposal removes any legitimate budgetary reason for the point of order that has been raised against the housing bill.

I feel strongly that the Budget Act should not be used as a parliamentary obstruction to responsible legislative action. And permitting this point of order would set a dangerous precedent.

Since the action to remove the \$47 million items that are at issue will remove any justification for a point of order under the Budget Act, I urge my colleagues to join me in waiving this point of order.

Mr. President, allegations have repeatedly been made by opponents that this housing bill serves the needs of powerful interests in this country. That is nonsense. What makes this and every other housing bill such a tempting target for the ideologues of the right is that it primarily addresses the needs of those who are not powerful—the poor and those with modest incomes who are struggling to find decent, affordable housing for their

families. What makes this and every other housing bill so vulnerable is that there is so very little pork in it—the funding levels have been cut very deeply, also.

But, I think the opponents of housing have gone too far.

Yes, mortgage bankers and realtors and homebuilders and mayors and Governors and advocates of the poor and—according to polling data—millions of Americans want sound housing legislation such as the bill that is now before the Senate.

They want it not out of narrow self interest. For many months now, many people who care about decent, affordable housing in this country have come to me and urged me to help move housing back up to the place it belongs on the national agenda. They have included mortgage bankers and realtors and homebuilders who get little if anything from Federal housing programs but are concerned about the country and about the ability of the next generation to afford decent places to live.

And, yes, I have sensed increasing frustration and anger at Members of Congress who smile and profess support for housing and then vote to kill housing legislation again and again.

Well, this is the time for those who share a concern about housing in this country to stand up and say to the opponents of housing, "No more of this obstructionism."

Therefore, I will vote to waive the Budget Act and then remove all legitimate reason for this point of order. I urge my colleagues to join me.

We believe the Senate should be allowed to consider the housing bill on its merits. That is why we hope you will join us in waiving the Budget Act and approving the technical corrections to the enrollment of the bill.

Opponents of this housing bill have made it clear through their tactics that they don't want any adequate housing program.

The PRESIDING OFFICER. Who yields time?

Mr. GARN. Mr. President, will the Senator from Colorado yield time?

The PRESIDING OFFICER. If we could clarify who controls time on both sides at this point, it will be helpful to the Chair.

Mr. D'AMATO. Mr. President, with respect to the opposition as it relates to this bill, the Senator from Colorado would control the opposition. As I am the manager, I will yield to him that time which otherwise would be his.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I again thank my friend from New York. I believe I have 30 minutes, and I am pleased to yield 5 minutes to the Senator from Utah.

Mr. GARN. I thank the Senator from Colorado.

Mr. President, I believe the Senator from California entirely misses the point. I have listened to this debate and have been on the floor for a couple of days.

The \$47 million is obviously relatively a small amount compared to the entire bill.

That is not the real issue. Let us face it. Everyone in this body chooses what parliamentary issues they have available to them, and that is the right of any Senator, but the proponents of this bill have been unwilling for the couple of days of debate to even address the points some of us have been making about the substance of the bill and the new starts and the open ended spending. I do not oppose it frankly because of \$47 million one way or another.

I frankly say to the Senator from California I am offended by the rhetoric that—when at a loss for substantive argument or unwillingness to debate on the basis of the comments some of us have made over here—we are rightwing extremists who are opponents of housing. I resent that personally and my record proves quite differently. The Senator from California knows that working with me for 6 years as chairman of the Senate Banking Committee. And he and Senator D'AMATO know that on this bill, over and over I made the same comments for a period of weeks in trying to negotiate a bill between the conferees and the administration that the total number was a myth. Whether it is \$15 billion or \$15.7 billion or \$19 billion will be proven to be unreliable because of the open ended authorizations.

The important thing is what is inside of the bill and the housing provisions. I recommended to the administration and the conferees that they try to work those substantive provisions out so that we could have a housing bill. Those of us who oppose do not oppose blindly. We would like to have a housing bill.

My colleague from Illinois, Senator DIXON, said earlier the housing policies of this administration would fail. I submit the entire time I have been in public office the housing programs of every administration have failed, proven by the waste, the inefficiency, the fraud, and the abuse in many of the housing authorities of this country and the waste of hundreds and hundreds of millions and billions of dollars and people still homeless.

Now that should result in housing legislation. The result should be to put lower and moderate-income people into housing. That is the test. Are we putting people in housing or just exercising our manhood out here on the floor by saying we are for or against the housing bill. Why do we not stop the rhetoric? Why do we not have the

debate on the substance? Why do we not get proponents to debate the substance within that \$15 billion and talk about the wasteful programs of the past.

The response of this Senate should be to pass housing bills that put people in houses, not to issue press releases that say "I voted for a bill that has X number of dollars in it." That is the real issue here. That is the issue we should be addressing.

If this point of order is not sustained, the issue becomes this conference report, and it should be defeated and sent back to the conferees to come up with a bill that will put needy people into housing.

That is my concern, not just making a record on the Senate floor to say we are for housing.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I yield myself 10 minutes.

I share the sense of frustration that the Senator from Utah has expressed at the direction the debate has taken. In this Chamber we are not all expected to go along with one another, but I think some are going too far to engage in name calling and it is not a substitute, may I suggest to my colleagues, for a thoughtful discussion of the facts.

I want to focus the attention of our colleagues on the facts. It is a fact that Congress has already authorized and appropriated over \$250 billion which has yet to be spent. That is in the pipeline. Now it is important to understand this because part of the problem we are having in coming to grips with this and the public at home is having trouble in understanding is why some Senators rise to say housing has been cut while others of us come to the floor to say that the cost of public housing in this country has doubled within the last 5 or 6 years. I would like to explain that once and for all.

Mr. President, when Congress authorizes and then appropriates money for these programs, it appropriates spending over a long period of time. Unlike most Federal programs which spend out in the year for which they are appropriated, commitments in the housing area go for 10, 20, sometimes as much as 40 years. In other words, the spending for any particular year is not just what is appropriated in that year, but it is the cumulative total of that year and everything that has been previously appropriated to be spent in that year.

That means if we never pass this bill and we never pass another housing bill, ever, \$250 billion in additional spending would occur as a result of decisions already made, laws already enacted and signed by the President.

In that context, I would like to talk about outlays. Outlays is what most

people think we mean when we talk about Federal spending. That is the actual money that changes hands. Those are the actual warrants drawn on the Federal Treasury. They are the actual expenditures which require in this case borrowing of money in the capital market in order to fund Federal programs. In terms of budget outlays, not authorizations, not appropriations, but outlays, what is actually spent? This program represented by the authorization herein has increased from less than \$6 billion in 1981 to about \$13 billion. It has more than doubled. And that, Mr. President, is a fact.

During the last 5 or 6 years we have added approximately 1 million units of subsidized housing. The notion that somehow that is a declining quotient that we are spending less on housing for the poor people of this country is simply not borne out by the facts.

If I could just put it in very simple terms: If I went out and bought 6 years ago a new car and paid for it on time, agreed to, say, a 6-year contract, to pay for the car, as many do these days, and then 5 years ago I bought another new car and paid for it on time, and then 4 years ago bought another new car and agreed to pay for it over 6 years and each year did that, then when I got to this year having already bought six cars and still paying on every one of them I said I am only going to buy one car this year, in some kind of twisted sense that would be maintaining last year's level, and that is what people talk about when they say this bill is at or below last year's level.

It means we are going to keep paying for up to four decades for previous commitments and the question they want to frame is how much are we going to add to that.

Shall we add at the same rate as last year or should we slow down the rate of increase?

Now, it is pointed out that this bill passed by a very, very lopsided margin in the House and there was little effective opposition to it. That is the reason why there was a lopsided vote, because nobody cared enough at that particular moment in the life of the House of Representatives to come to the floor and bear the burden of arguing and putting the facts before the Chamber, as the Senator from Texas has done, and the Senator from Utah, Mr. GARN, has done, and others who have come to the floor and pointed out what the flaws are in this legislation.

If there had been an organized effort in opposition to it, if the President had announced prior to the House vote that he was going to veto it, as he has announced prior to the Senate vote, then I presume the outcome would have been quite different.

We are told, in response to the facts, that this is the wrong program to cut. Mr. President, everybody always says it is the wrong program to cut. Over at the Pentagon, they say, whenever you want to cut defense spending, that is the wrong program to cut. After all, it is the future of our country to defend America. We have to have defense for that.

If you want to cut a program for education, that is our children you are talking about. If you want to do something to control the cost of Medicare, they say that is our parents and grandparents. If you want to do something about agriculture, they say, you cannot cut agriculture because, remember, we have got to eat in this country and it is the farmers who produce the food. There is a reason, often, in isolation, a compelling reason, to say you cannot cut anything.

That is really the issue here. We are not trying to say the whole national financial mess we are in is the result of housing. Somebody stood up the other day and said, "Well, you can't blame the whole budget crisis on housing." Of course not. Nobody is trying to do that. What we are saying is that that is the part of the budget crisis we are voting on today.

Mr. President, there is a disagreement about the costs. Some people say that the estimates of CBO are correct and that this is only going to cost \$15 billion. Others think the OMB estimates are correct and it is going to cost \$19 billion. But I just want to ask Senators to recall when the most optimistic cost estimates for anything have ever proven to be correct.

Mr. President, it is suggested that the point of order which we have raised is frivolous or inappropriate or merely technical in nature and that it can be corrected.

While the proposal of the Senator from California to correct it by a post-enrollment motion is ingenious, it does not really respond even to the problem of the point of order, because it would go forward as a separate measure which might or might not be passed by the other House.

But let me point out that even if his proposal worked out just as he suggested it would, it does not give the Senate a chance to vote on other provisions of the conference report which were not in the bill when it went through this Chamber. For example, the new antidisplacement legislation. That is the provision which says that is a person of low income is displaced by a CDBG or UDAG grant, that they would then gain the right to a rent subsidy for up to 10 years.

Now, the Senator from California wants to fix one problem by his resolution, but he is not even going to give us a chance to vote on how to fix the antidisplacement provision or the new

lead paint provision or the fact which I am told—and I believe I am correct in this—that the conference committee undermined, indeed devastated, the targeting provision in the homeownership program.

I am led to believe that that was changed in conference. I have not had a chance to verify it. But if that is the case, I want to know why that important reform adopted by the Senate has been undermined. I want to know why the 30-percent requirement which the Senate voted to put in which, in fact, was enacted into law, which simply says poor people ought to pay at least 30 percent of their income toward housing since that is about the average of what others do, why that change which was voted in conference is not going to be subject to amendment and further debate.

Mr. President, it is of course up to each Senator to decide how he or she wants to vote. But I do think the Senate would like to know that thoughtful observers beyond this Chamber have looked carefully at this matter and are calling for defeat of the conference report.

The National Taxpayers Union says as follows: NTU opposes the conference report.

This authorization bill is a quintessential example of why the U.S. Budget is and will continue to run out of control. Smoke and mirror accounting and failure to project for future program costs make it virtually impossible for all but the most skilled expert to discern what is and is not true about federal housing programs.

But the NTU goes on after their analysis to point out these two points:

The bill does nothing to terminate any of the identified wasteful programs.

Furthermore, the bill imposes costly regulatory requirements.

Mr. President, I ask unanimous consent that the entirety of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL TAXPAYERS UNION,
Washington, DC, November 11, 1987.

DEAR SENATOR: The National Taxpayer Union opposes the Conference Report on the Housing and Community Development Act of 1987.

This authorization bill is a quintessential example of why the U.S. Budget is and will continue to run out of control. Smoke and mirror accounting and failure to project for future program costs make it virtually impossible for all but the most skilled expert to discern what is and is not true about federal housing programs.

NTU believes there already is around \$211 billion in the pipeline to fund federal subsidized housing. In addition, the federal government still has not learned to control and preserve the housing that it has already built. And creating new budget authority for additional programs when the old ones are not completed or are out of control is irresponsible in a period of crushing federal budget deficits.

The bill would create several ill-timed and ill-conceived new programs: one to subsidize middle class home ownership, the interest free Neamiah loans; and, another that would subsidize non-profit organization buyouts of Farmers Home Administration projects, the "Hiller-Lehman" grant program. This is not a time to start up a new middle class subsidy program nor is it the time to perpetuate an earlier subsidy with another subsidy.

There are a number of HUD-controlled projects that have been identified as wasteful such as HoDAG's Section 8 moderate rehabilitation and public housing new construction program. The bill does nothing to terminate any of the identified wasteful programs.

Furthermore, the bill imposes costly regulatory requirements beyond the bounds of common sense including removal of lead-based paints when there is not a safety concern and exceptionally expensive anti-displacement requirements that would last for 10 years.

NTU also believes that expected costs of ongoing and new programs are not properly accounted for in the conference report and will exceed the expected cost of the bill by \$3.0 to \$4.0 billion dollars.

For the foregoing reasons NTU believes the Conference Report on S. 285 should be rejected and sent back to the drawing boards. If the federal government is going to support housing programs it should be done in a cost efficient and effective manner.

Sincerely,

SHEILA MACDONALD,
Director, Government Relations.

Mr. ARMSTRONG. Mr. President, the U.S. Chamber of Commerce says:

The U.S. Chamber of Commerce, on behalf of its 180,000 members, strongly urges you to vote against the conference report on S. 825, the housing authorization bill. . . .

A fair and reasonable calculation of the cost of this bill clearly shows that it exceeds the compromise authorization levels recommended by Members of Congress and the Chamber.

Mr. President, I ask unanimous consent that the text of the letter from the U.S. Chamber of Commerce be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CHAMBER OF COMMERCE,
Washington, DC, November 17, 1987.
MEMBERS OF THE UNITED STATES SENATE:

The U.S. Chamber of Commerce, on behalf of its 180,000 members, strongly urges you to vote against the conference report on S. 825, the housing authorization bill. At the same time, the Chamber commends the Senate's vote for fiscal responsibility by refusing to waive the budget requirements related to this bill.

A fair and reasonable calculation of the cost of this bill clearly shows that it exceeds the compromise authorization levels recommended by many members of Congress and the Chamber and establishes new programs at a time when we should eliminate—or scale down—expenditures. No amount of rhetoric will hide from American investors and foreign markets that this bill is too costly at this time.

The Chamber's Board, which represents the largest cross section of the American business community of any business organization, voted unanimously at its November 11 meeting to support a veto of this bill. The Chamber urges you to vote against S. 825 and, if passed, to vote to sustain the promised presidential veto of this legislation.

Sincerely,

ALBERT D. BOURLAND.

Mr. ARMSTRONG. Then I would like to have printed in the RECORD at this point and ask unanimous consent to have printed a joint letter by Chamber, by Citizens Against Government Waste, Citizens for a Sound Economy, the National Association of Wholesaler-Distributors, and the National Taxpayers' Union also opposing this legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 16, 1987.

DEAR SENATOR: The undersigned organizations have been working with the Administration and Members of the House and Senate on S. 825, the Housing and Community Development Act of 1987. Recently, the Office of Management and Budget advised us that the true cost of this legislation will be \$19 billion in FY 1988. We are currently studying the OMB figures.

If the OMB numbers are accurate, we would have grave concerns about the wisdom of enacting this legislation. We believe that the cost would have a serious negative impact on the current budget summit, as well as on the Gramm-Rudman-Hollings budget targets. Such a development would have an immediate negative impact on the confidence of the financial markets.

We certainly urge that the Senate pause and study this legislation while there is still time for reflection.

Thanking you in advance for your consideration, we are,

Chamber of Commerce of the United States, Citizens Against Government Waste, Citizens for a Sound Economy, National Association of Wholesaler-Distributors, National Taxpayers Union.

Mr. ARMSTRONG. Mr. President, I want to place in the RECORD a few editorials that have come forward and note with interest that it was about 5 o'clock Friday afternoon that the President announced that he would veto this legislation. In just 1 working day, a number of the most important newspapers in this country have come out with editorials calling for defeat of this conference report.

One of them makes the point—and I think it is perhaps a central issue—that in this vote we distill almost the essence of congressional willpower and courage to do something about the deficit, not because housing is the only issue, but because it is the issue which is under debate, under consideration to be the subject of a Presidential veto at the very moment when the high-level negotiations for a deficit reduction package are underway.

The Wall Street Journal put it this way:

With the whole wide world reportedly transfixed by the great American budget summit, the Senate, with a straight face, will vote today on a conference bill that increases the spending on Federal housing programs.

The Journal goes on and calls for defeat of this legislation.

In Los Angeles, the Los Angeles Daily News makes the same point and sums up its editorial as follows:

The housing bill comes up for a Senate vote today. President Reagan has vowed to veto it, and it appears that the Senate will unfortunately, pass the bill and give him his opportunity. For the sake of the Senate's own credibility in fiscal matters, it would be far better if the bill never even gets that far.

The Pueblo, Colorado Chieftan calls this: "The first test of the U.S. Senate's commitment to reduce Federal spending since last month's stock market crash."

Another Western newspaper makes the point that "The House, in fey disregard of the Nation's fiscal crisis, voted * * * to spend \$30.6 billion for new housing and urban development programs," and goes on to point out why such a bill should be vetoed and the veto sustained.

Still another newspaper out in the West made the observation that the bill came back from conference heavily marbled with fat. Another newspaper called it obese.

Mr. President, I ask unanimous consent that the text of the editorials I referred to be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain News, Nov. 17, 1987]

HOUSING BILL NEEDS A KNOCKOUT PUNCH

Colorado Sen. Bill Armstrong tied the U.S. Senate in parliamentary knots for several hours last week for a crucial cause—fiscal responsibility in housing policy. His maneuvering braked, for the moment at least, the momentum of the outrageously costly 1988 housing bill.

Another key vote is scheduled today. Says Armstrong: "We will find out who the big spenders really are."

As it emerged from conference committee, the housing measure is thickly marbled with fat. According to the Office of Management and Budget, it would authorize \$19 billion in new spending, \$7.1 billion more than the White House requested. Over five years, it would outspend administration targets by \$71 billion.

Though \$211 billion in housing-budget authority has already been appropriated but not yet spent, the bill authorizes another \$14.5 billion for subsidized housing.

Yuppie-welfare provisions abound as well. For instance, \$450 million is authorized for the Urban Development Action Grant (UDAG) fund, a program that has mainly subsidized hotel and commercial projects. Another \$150 million would go into Housing Development Action grants, that means more money for luxury apartments, only 20% of which go to low-income families.

Another pamper-the-prosperous program would offer interest-free loans to certain

homeowners with incomes of \$40,000 or more.

On Friday Bill Armstrong stopped the bill in its tracks by formally noting that the measure exceeds the current congressional budget plan. It takes 60 votes to "waive" such a "point of order" maneuver. The bill's backers mustered only 53.

That 40 senators voted the other way suggests the bill couldn't survive a presidential veto. It doesn't deserve to get that far. Proponents will try again today to get this pork barrel rolling. We hope all those lawmakers who sided with Armstrong last week—including Colorado's Tim Wirth—will stand firm.

Armstrong correctly frames the issue as one of institutional integrity: "This is the first test of the Senate's willpower since the stock market crash. Markets and governments around the world are watching to see if the U.S. Congress has the guts to get spending under control."

The Senate owes it to the rest of us to give those observers cause for applause.

[From the Wall Street Journal, Nov. 17, 1987]

CONGRESS' HOUSING CAVE

With the whole wide world reportedly transfixed by the great American budget summit, the Senate, with a straight face, will vote today on a conference bill that increases spending on federal housing programs. Of course this anomalous act in the midst of a "fiscal crisis" is but a day's diversion. Tomorrow all will return to blaming the world's troubles on Ronald Reagan's economic policies.

The housing bill before the Senate authorizes up to \$15 billion in new spending for each of the next two years (OMB says the figure is closer to \$19 billion). No matter that over the past seven years outlays for subsidized housing programs have increased 130%, from \$5.6 billion in 1980 to \$13 billion in 1987; this new bill authorizes an additional \$14.5 billion for housing subsidies. (Currently, more than \$210 billion of previously appropriated housing budget authority sits unspent.)

Last Friday, Senator William Armstrong pointed out that the conference report violates Congress' Budget Control Act because its spending level exceeds the amount set in Congress' previously voted budget resolution. Today the bill's supporters will attempt to steamroller Senator Armstrong's point of order. California Democrat Alan Cranston and New York Republican Alfonse D'Amato insist that the bill is vital to the needs of the disadvantaged and that an insignificant matter such as the Budget Act shouldn't stand in its way. To make the bill "veto-proof," worthwhile programs—such as an experiment designed to encourage resident management of public-housing program—are embedded in the bill alongside all the boondoggles.

For instance, there's the old UDAG-HoDAG hustle. The Urban Development Action Grants (UDAG) subsidize construction of hotels, shopping malls, office complexes and so forth for developers. It will get \$450 million over the next two fiscal years. Housing Development Action Grants (HoDAG) subsidize construction of luxury apartments (only 20% of which go to low-income families). It's in line for \$150 million. This has a lot to do with builders, unions and campaign contributions and very little to do with the poor.

Several new schemes make their federal debut in the bill. The Nehemiah Grant program would provide interest-free loans of up to \$15,000 to help families earning as much as \$48,000 to purchase property. A Rural Housing Grant program would provide funds to nonprofit groups to buy out owners of apartment buildings financed by the Farmers Home Administration.

American taxpayers have demonstrated their willingness to assist those most in need. However, we hardly see how this bill measurably improves the housing situation of the poor, in whose name these vast federal housing expenditures are made. Like the previously enacted clean-water and highway bills the housing bill amounts to little more than a patronage vehicle for senators more amenable to appeasing special interests than to facing up to the responsibility of reducing federal spending.

The hypocrisy of voting this bill's spending increases is very much in the Senate air. North Dakota Democrat Kent Conrad wailed, "One vote does not tell the story on whether a Senator is committed to deficit reduction or not." Senator Cranston was reassuring: "This is a technical matter. It has nothing to do with the views of senators on the overall effort to deal with the budget deficit which we are committed to doing."

The housing bill is precisely the kind of problem the line-item veto is designed to solve. Under the threat of such item vetoes, the President and Congress would seriously bargain over the bill and make the tough, precise political choices that don't get made now. Instead we have an indefensible system that makes the President either sign or veto an entire, complex \$19 billion bill.

This bill is obviously no mere blip or "technicality." Its spending imperatives more accurately reflect political reality in Washington now than all the tough decisions the budget-summit players claim to be making. The budget summit is talk. Today's housing vote is the way it is.

[From the Los Angeles Daily News, Nov. 17, 1987]

PLAY MONEY

Those bipartisan negotiations on cutting the federal deficit would really be worth the public's attention if the public could be sure that the conferees were dealing with real money, not just political promissory notes. But the truth is that a deficit-cutting promise is too easy to make and too easy to circumvent. It would not be big news if the negotiations end with an agreement to cut the deficit by, say, \$80 billion over the next two years. It would be big news only if the promise is actually kept.

Congress doesn't seem ready to do that. As late as last week, long after the Black Monday stock market crash of Oct. 19 was supposed to have scared Washington into fiscal repentance at last, Congress was up to its old tricks. On Thursday, Sen. William Armstrong, R-Colo., managed to stall the authorization bill for federal housing programs after the measure was found to be loaded with hidden expenditures.

At its nominal figure of roughly \$15 billion in each of its first two years, the bill would have been bad enough from the Reagan administration's point of view. But the administration's Office of Management and Budget figured out that the bill actually authorizes about \$19 billion annually, or \$7.1 billion over the administration's budget request.

It does this in many indirect but expensive ways. New requirements are set down (such

as the elimination of all lead-based paints in federally subsidized housing, even when the paint is not causing a health hazard) without any money being allocated to carry them out. No provision is made for cost overruns that force the federal government to increase payments to landlords. Local governments receiving development funds would be forced to provide 10 years of rental subsidies or comparable assistance (compared to 3½ years under current law) for tenants displaced by new, federally assisted projects.

Someone will have to pay for that extra assistance, and most likely Washington will end up footing the rent-relief bills for the local governments. After all, cities can only spend what they take in through taxes, fees and federal or state grants, while the federal government can always make money the modern way, by borrowing it.

The housing bill comes up for a Senate vote today. President Reagan has vowed to veto it, and it appears that the Senate will, unfortunately, pass the bill and give him his opportunity. For the sake of the Senate's own credibility in fiscal matters, it would be far better if the bill never even gets that far.

[From the Pueblo Chieftain, Nov. 17, 1987]

WIRTH CAN HELP HOLD LINE IN HOUSING BILL VOTE TODAY

The first test of the U.S. Senate's commitment to reduce federal spending since last month's stock market plunges will come today when the Senate votes on the 1988 housing bill.

The bill is opposed by conservatives in the Senate as a "budget-buster" since it spends more than has been appropriated in the budget bill. The bill would add \$19 billion in new spending to federal housing programs. Over five years, it would overspend Reagan administration projections by \$71 billion.

If liberal Democrats can gain 60 votes or more in today's vote, the inflated housing bill will be sent to President Reagan, who has vowed to veto the legislation.

Not surprisingly, Colorado Sen. Bill Armstrong has organized the Senate's conservative members to defeat the housing bill. Friday, the conservatives showed enough strength in a procedural vote to sustain a presidential veto even though he could not defeat the housing bill. The vote was 53-40 in favor of waiving budget restraints leaving seven senators undecided. Six of the missing votes belong to Democrats.

An encouraging sign was seen, however, when several Democrats broke ranks and sided with conservative Republicans in Friday's vote. And one of those was Colorado's other senator, Tim Wirth.

Sen. Wirth is no doubt under pressure from Democratic leaders to change his vote. We hope he votes his conscience, however, and shows that he is willing to begin trimming the fat from the federal budget.

[From the Denver Post, Nov. 17, 1987]

ARMSTRONG, WIRTH VS. DEFICIT

We hope the full U.S. Senate musters the same bipartisan backbone today that Colorado Sens. Bill Armstrong and Tim Wirth did Friday in trying to derail a budget-busting housing bill.

The House, in fey disregard of the nation's fiscal crisis, voted 391-1 last week to spend \$30.6 billion for new housing and urban development programs in the next two years. That's more than \$5 billion above the administration's request—and well in

excess of budget limitations already adopted by Congress.

Because the bill was so obese, its backers needed 60 votes to waive the spending limit set in the original Gramm-Rudman law. They didn't get them—thanks to Armstrong, Wirth and 38 other senators who put national solvency above pork-barrel politics.

Armstrong led the fight against the runaway subsidies. He was joined by Wirth, who is much more supportive of federal housing programs than Armstrong—but who also recognizes that America has to start dealing with its runaway deficits.

In the end, the bill passed 53-40—well short of the 60 votes it needs today for final approval. If all seven senators who were absent Friday vote today to ignore the budget law, the housing bill will head to President Reagan—who has promised to veto it.

The 40 votes mustered against the bill Friday would easily sustain such a veto. But it would be far better for the Senate to adopt a responsible housing bill on its own. Veto battles paint economic policy in partisan hues, with the GOP cast as heartless ogres and the Democrats as big spenders.

Such bombast ignores the need to restore public confidence in the U.S. economy by a bipartisan budget agreement. As a confidence-builder, such bipartisan resolve is more important than whether the deficit is cut by \$23 billion next year, as required by Gramm-Rudman, or \$30 to \$40 billion, as may be proposed by the budget negotiators Thursday. The message that the financial markets—and the American people—want to hear is simply that someone is in charge of the U.S. economy.

Colorado can be proud that its own senators put aside their party differences to stand together to send that message.

Mr. ARMSTRONG. Mr. President, these are just some of the reasons why this legislation deserves to be defeated. But the largest question and the question which Senators very properly are asking is: Well, what happens if the conference report is defeated? What happens in the first instance if the Budget Act waiver is not agreed to? And that is going to be a very close vote. I do not know if we have 40 votes or not, but if we can get 41 Senators to stand up and be counted on this, the waiver will not be granted and the parliamentary situation will be as follows:

The conference report will fall. The bill itself, with the House amendment, will be before us. At that time, it would be in order for the Senator from California to offer his amendment to cure the point of order and it would also be in order for the Senator from Colorado and others to offer an amendment to correct the antidisplacement provision, the lead paint provision, the provisions of this bill which undo previous housing reforms. Indeed, it would be in order—and this is my expectation—to offer a substitute bill.

If we should be fortunate enough to prevent the adoption of a budget waiver, it would be my suggestion to the leadership that we lay the bill over

a day or two while we prepare that kind of comprehensive alternative.

On the other hand, if the budget waiver is agreed to, undoubtedly, after an hour's debate, the bill will pass and the crucial question at that point is whether there will be 34 Senators who will stand up to be counted against this bill, thus signaling to the markets and the world that the President's veto will be sustained.

So that is the battle plan. That is where we are. There are lots of people who are trying to scramble around and put different interpretations on this. I think it is pretty simple. Are we serious about reduction or are we not? Do we think the stock market crash is reason enough to be concerned, or do we need another 500-point drop? Are we really going to say words of encouragement to our budget negotiators, or are we going to say, while they are out there struggling to find a place to save some money, that we are going to just go on with business as usual?

I hope Senators will vote against the motion to waive the point of order to waive the Budget Act.

Mr. CRANSTON. Mr. President, I yield 5 minutes to the distinguished Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I thank the distinguished Senator from California.

Mr. President, if everybody has been listening carefully to the debate, they understand that in just a few minutes, the Senator from California is going to offer an amendment that would reduce the spending under this bill by some \$47 million out of a total of \$15 billion. It is a de minimis change, but had that change been made earlier, a point of order which we are about to vote on would not have lain against this bill under section 311.

So, Mr. President, the key question before the Senate is not whether or not the budget ceilings should be waived to accommodate this housing bill. The question is whether or not this body is going to have any housing policy at all.

It has been 6 years since the policy setting committees in the House and Senate have produced comprehensive legislation reauthorizing Federal housing programs. For 6 years, we have had a housing policy driven by others—the Budget Committee, the Appropriations Committee, and even the Finance Committee through the Tax Reform Act.

During this period, the Banking, Housing, and Urban Affairs Committee on which I am privileged to serve, has produced real savings for the Federal Government. Budget authority for assisted housing has been cut by more than 75 percent over the last 6 years from \$30 billion to \$7 billion. That is \$23 billion less than what we were spending in 1980; more than any

other authorizing committee has done on the spending side.

In this bill, the committee is setting authorization levels that are, I submit, in fact below last year's appropriations levels.

In this bill, and in bills developed by this committee in previous years under the distinguished leadership of our former chairman, the senior Senator from Utah, our committee has sought to shift the emphasis of the Federal role from expensive new construction to more economical rehabilitation and modernization of existing housing stock. In addition, we have sought the development of new and innovative programs to make each Federal dollar go a little farther in providing safe, decent, and affordable shelter for low income families. I think that is the correct approach in an era of budget restraint.

There comes a point however, Mr. President, when further spending cuts will undermine and halt any Federal housing policy.

I would say we are at that point, Mr. President. There are more than 1 million people on waiting lists for public housing in this country. They cannot find housing; if they find housing, they can't afford it. Many of those living in public housing are right now in substandard and aging units. These are the poorest people in this Nation that we are talking about. The average annual household income of a family living in public housing is between \$5,000 and \$6,000; that is 50 percent below the poverty threshold for a family of four.

The best evidence will soon be before the American people as television news crews once again begin the body count of the homeless during the winter season. Mr. President, I am privileged to represent the Commonwealth of Pennsylvania, a State with more than 11.5 million people that we have as residents.

As each year passes, more and more of those homeless are not single adults but poverty-stricken mothers with poverty-stricken children. We all know the statistics. Twenty-one percent of the children in this country, one out of five, and that is 12½ million children—more than all the residents of my home State—are living in families below the poverty line. Those 12.5 million children are America's future.

In the absence of Federal housing support, they do become homeless. And, then the Federal response is to put them up in communal dorms through some meager seed money to local agencies.

That is not an environment where children are going to be able to learn and grow. Is it any wonder that low income children drop out of school at the rate of 1 every 45 seconds. Just while I have been speaking, here on

the floor of the Senate, seven more children have dropped out of school.

Mr. President, the real question here is whether we can agree on a national housing policy. Each one of us on the committee although we have many points of view has spent many long hours working to produce a realistic policy given existing budget constraints. In my view, we are either going to address the issues or we are not going to.

This marks the first free-standing housing bill that the Congress has produced since 1981. It is truly a landmark achievement. I would like to commend the managers on the Senate side, Senators CRANSTON and D'AMATO, who have done a tremendous job in leading the conference through long, painstaking negotiations that have resulted in this product. As one who participated in the conference, I can attest to the superb job they have done in resolving the differences between the House and Senate versions of the bill.

The conference report contains a number of important provisions relating to our Federal housing and community development programs. It reauthorizes all major HUD and Farmers Home Administration programs, including the FHA Mortgage Insurance Program, our various assisted housing programs, community development block grants, and a host of others. It makes a number of important program reforms that shift the emphasis of Federal Housing policy away from the expensive construction programs of the past toward the more prudent and economical approach of preserving our existing federally-assisted housing stock so that it remains available to and livable for the millions of low and moderate income Americans. Most of all, it reaffirms the Federal commitment to provide affordable housing and promote community development efforts across the Nation.

The conference report accomplishes these important purposes within severe budget constraints imposed by our current fiscal situation. It authorizes \$15 billion in new budget authority for fiscal year 1988, which is slightly below current levels, and \$15.6 billion for fiscal year 1989. I would like to dwell on these authorization levels for a moment.

It has come to my attention that this \$15 billion figure has been called into question by some in the administration. In fact, the Office of Management and Budget has developed a table that estimates total spending under the conference report at \$18.7 billion.

I would like to spend briefly about the fallacies inherent in this \$18.7-million estimate, which I fear may cause some confusion among our colleagues

as to the actual dollar impact of the conference report.

First of all the OMB estimate includes \$2.1 billion in budget authority that represents cost adjustments resulting from previous contracts entered into by HUD and FmHA. This is not new budget authority, and does not relate in any way to the conference report. Rather, it represents amounts that appropriations bills provide to HUD and FmHA to cover the difference between original cost estimates of section 8 contracts and Farmers Home Administration loans and the actual cost of these commitments. This is an annual function of the Appropriations Committee that would occur whether or not Congress enacts an authorization bill.

Second, OMB estimates the reuse of nearly \$1 billion in recaptured budget authority from the proceeds of repayments and sales of loans from housing projects owned by GNMA (Ginnie Mae) or authorized under HUD's homeownership program. This is inaccurate for two reasons. First, these funds should not be construed as an add on because they were previously authorized and appropriated, and the conference report would only authorize that they be recycled for other housing assistance use. Second, any such recycling would only occur upon approval in an appropriations act.

Finally, the remaining \$600 million difference between the OMB estimate and the \$15 billion authorized in the conference report is made up of a variety of programs and program reforms that will not be implemented or appropriated in fiscal year 1988. In sum, the OMB estimate reflects not what the conference report authorizes, but rather the total budget authority that could possibly be appropriated in fiscal year 1988 if there were no budget resolution that imposes limits on spending and if HUD could immediately implement a number of reforms authorized by the bill. As my colleagues are aware, neither of these "ifs" are going to happen in this fiscal year.

Mr. President, the conference report is a prudent, responsible, and much-needed piece of legislation. I urge the Senate to approve the waiver and approve the conference committee report.

Mr. ARMSTRONG. Mr. President, I yield 5 minutes to the silver-tongued orator from Texas.

Mr. GRAMM. Mr. President, I thank the distinguished Senator from Colorado for yielding.

Mr. President, I would like to begin by giving the Senate our report card that came out last Friday on the deficit. You might be interested to know how we are doing.

The Congressional Budget Office says that we claimed in our budget that we were going to spend \$1,034,700,000,000 and that we are cur-

rently spending \$1,040,100,000,000. So we are \$5,361,000,000 over the targets we set out in our own budget.

Interestingly enough, on the revenues we said we were going to have, we are \$22.7 billion short. So the deficit as of right now is running about \$28 billion above the level that we claimed when the budget which was before us was adopted.

It is higher than what we claim by \$28 billion because, No. 1, we are spending \$5 billion more and, No. 2, those who supported the tax increase have yet to adopt it.

I would like my colleagues to note that there is a budget point of order against this bill because we are already \$5.4 billion over budget. That was a budget that contained \$21 billion worth of new taxes, and who here believes that we are going to raise taxes by \$21 billion? I had not heard anybody propose that in months.

A point of order lies against this bill because we are already \$5.4 billion over our own budget, and this bill would raise spending by another \$46 million in direct outlays now. That violates the most basic point of the Budget Act, the 311 point of order which, under the Gramm-Rudman-Hollings law requires 60 votes to override.

When we voted on this matter last week, those who wanted to waive the Budget Act had 53 votes. The distinguished majority leader changed his vote in order to move to reconsider. That is 54.

We are going to find out today whether or not some of those who were born-again fiscal conservatives who voted last week to uphold the budget, whether they have changed their minds over the weekend or not. I hope they have not. In fact, I hope there has been a new conversion and that the number of those who are voting against waiving the Budget Act will increase rather than diminish.

Second, Mr. President, I want to respond to these statements about these massive cuts in housing programs. The American people must be constantly confused to hear us talk about spending cuts and yet see spending always go up. Please remember that Government does not use the same language that everybody else uses. When we talk about cutting spending, we are talking about cutting relative to what we would have spent, not what we actually did spend. And that is part of the mystery here on this housing bill.

We have reduced the built-in growth in housing programs. Since we moved to a voucher program, however, Federal support for housing, including credit subsidies and tax breaks, has increased by 40 percent since Ronald Reagan has been President. That is up from \$50 billion to \$70 billion, and, in fact, the number of families receiving

housing subsidies has increased from 3.1 million to 4.1 million.

But, you know, that is not something that represents our greatest contribution to housing, the fact that a million more Americans today than in 1981 are receiving housing subsidies. That was a small donation to housing in America.

Do you know what we have done that has had a bigger impact on housing than anything else? We have brought down interest rates.

On a \$60,000 mortgage, the monthly payments on that mortgage today are \$275 less than they were in 1981. That is our contribution to the housing program, progress we made in bringing down interest rates, creating 13 million new jobs so that people can go to work, save their money, build up a nest egg, and build and buy their own home. On a very modest home, a \$60,000 home, they are paying \$275 less today per month on their mortgage because interest rates are lower than they were in 1981.

Will the distinguished Senator yield 1 additional minute?

Mr. ARMSTRONG. Do I have 6½ minutes left?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. ARMSTRONG. May I yield 30 seconds? I promised the Senator from New Mexico 5 minutes and I need 30 seconds myself.

Mr. GRAMM. The point is that our greatest contribution in housing has been bringing down interest rates. We imperil that progress today if we vote to waive the Budget Act. We imperil that progress if we vote to raise the deficit and to move on to a housing bill that increases spending. This bill contributes to the very problem of deficits and high-interest rates that we have made so much progress in fighting during the last 6 years.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO. Mr. President, it is not easy for this Senator to oppose the administration. I have attempted to support it when I can. More often than not, I have done exactly that.

But let me tell you, this is not a matter of high principle, that the marketplaces are going to respond because the deficits are going to be increased. Indeed, if we pass this bill, the deficit, as it relates to the housing component of our legislation, will be decreased, \$300 million less than was appropriated and spent last year.

In addition to whatever figures the budget negotiators are going to come up with, we will absorb our fair share. That is part and parcel of the process.

For those who say somehow if you pass this bill you are contributing to the deficit, that is hogwash.

Let me quote the Commerce Department before the House of Representa-

tives that passed this bill 399 to 1, when they said if we pass this legislation and it is signed into law, we will spend fewer dollars, if the President signs it, we will spend \$300 million less.

Then it goes on to talk about home ownership, getting people out of public housing authorities and giving the people the opportunity to own a piece of America.

It is very much like that which Margaret Thatcher successfully undertook. We have opponents to that in this bill.

Mr. President, I am sorry that on the matter of high principles, the fact is that OMB determined that, yes, they had the votes to override a veto. That is a high matter of principle. That was no honest and sincere effort to deal with programs that may have been costly. Indeed, the OMB list is pandering the fear, concocted, out of whack, and it is just simply devoid of facts as they relate to the \$4 billion bust claim in the budget. It just is not the case.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I am prepared to yield back our time if the other side is.

Mr. ARMSTRONG. Mr. President, I have 5½ minutes left. The Senator from New Mexico is nearby and I would like to yield him 5 minutes.

Mr. CRANSTON. I yield 2 minutes to the Senator from Maryland.

Mr. SARBANES. While we are waiting for the Senator from New Mexico, let me say very briefly I strongly support the budget waiver that is before us.

We need to separate this issue. If there is a legitimate point to the budget waiver, it will be addressed by the resolution which the Senator from California will offer immediately subsequent to completing action on this measure before us.

To the extent people differ with the substance in the bill, I simply submit to them that this has been a carefully worked out compromise, and in an effort to reach an agreement in conference, we scaled back in every area. That was sufficient for the House Republicans to support this bill overwhelmingly. In fact, it passed the House with just one dissenting vote. It was sufficient so that a majority of the conferees in the Senate, and a majority of the conferees on both sides of the aisle in the Senate, supported the conference report.

The difficulty was with OMB and the administration.

OMB has given us, as the Senator from California and the Senator from New York have pointed out, dummy figures. That is what it amounts to. That is putting it mildly, if I may say so. That was in an effort to scuttle

this housing legislation. They do not want any housing legislation at all.

I submit to you this Nation has gone too long without proper legislation in this area to deal with a pressing problem. I urge Members to vote for the budget waiver and then to strongly support the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. ARMSTRONG. Mr. President, I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me first say to the Senate I obviously have not been on the floor for this entire debate. While this debate is going on about this housing bill, a number of us are off the floor in another room, as a matter of fact, at this point not more than a couple hundred feet from the Senate floor, and we are talking about avoiding a \$23 billion sequester. We are talking about putting together a deficit reduction package that exceeds \$23 billion, that has bipartisan support and Presidential support.

I assume everyone in the U.S. Senate thinks that ought to be done. I believe the American people think it ought to be done.

We are not doing that because we take a great deal of joy in addressing overexpenditures by the U.S. Government and the need for reform in various entitlement programs, and looking at the tax base of the country to see if we ought to raise some taxes. I do not think we are doing that out of sheer joy. We are doing it because we have a crisis in this country.

Now there are those who are talking about this housing bill and saying because there is a budget point of order—one that is just as legitimate as points of order that have been upheld in the U.S. Senate for years—now they are down here talking about phony figures. They are talking about OMB rigging things.

Well, I used to be Budget Committee chairman. I know the numbers. And I know when things are technical and when they are not.

I assure the Members of the Senate that if this Senator was not positive that this bill is an absolute budget buster in everyday language, I would not be here. It is that in spades.

Anyone who wants to read this bill has to wonder what is it going to cost, when the bill is filled with provisions like this: "Here is a brand new program; it is going to put pressure on the rest of the housing programs for the poor and it is authorized at such sums as you want to appropriate; score that zero for a brand-new program" I note that the distinguished occupant of the Chair used to be a Governor. Would he not love to have a bill like that? There are a number of those in this

bill and they score it zero. Why did you put them in? Because they are pretty words or do you intend to spend money? I would assume they are put in so we can herald across this country that we have a new housing bill. It has Nehemiah grants in it. It is going to take care of slum areas by letting people move in and get a \$15,000 loan with no interest. Then we look and it is not supposed to cost anything. Well, it is going to cost. You are darned right it is, or else it will not work.

In addition, it is not even for the poor. That is why the Nehemiah provision has been criticized here on the floor of the Senate.

As I look through this bill I find provision after provision of the type I have just described. It is no mystery as to why you cannot score this bill and say what it will cost. That is because everybody worked on it with the idea that we will make this a low-cost bill by putting in provisions that you know are going to cost money and putting zero on it.

Lead paint removal: A brand new program for HUD housing. How are we going to do that? A whole new bureaucracy is going to have to be hired. But the cost is zero, and, of course, it does not bust the budget.

You are assuming you are going to get that out of the air? We will think it will cost \$200 million.

And for the realtors of America who want this bill, let them just take a good look at that. They are going to have lead paint inspections of private dwellings within the next 5 years under some plan we do not even understand.

Let the mayors and Governors look at the provisions in this bill. We do not cost them out either. We are going to pay for them some way. Five years of rental assistance for anyone that is displaced by a CDBG grant because of enhanced property value and all kinds of other relocation costs, and they are zero in this bill.

The PRESIDING OFFICER. The 5 minutes has expired.

Mr. DOMENICI. I conclude and tell the Senate with no question, you can talk about technicalities but you cannot get around the fact that this is an absolute budget buster in the midst of a budget crisis in the name of housing reform.

I yield the floor.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mr. CRANSTON. It is sad it is no longer possible to accept OMB analyses with any sense that they are honest and accurate.

Fortunately, we have the CBO that we can rely on.

RESPONSE TO OMB COST ESTIMATE

Mr. CRANSTON. We have seen the cost estimate prepared by OMB and staff has carefully analyzed it. Frankly, it is so misleading and shot through with errors that I am surprised the table is being introduced here on the Senate floor.

The conference agreement reflects a clear decision to reduce fiscal year 1988 spending below the current levels. That was a very difficult decision. Most conferees made it very reluctantly. But they did so because enactment of this housing bill is so important.

The CBO analysis of the bill—which is free of the political shenanigans of OMB—shows that the bill, if fully funded, would provide budget authority of about \$15 billion in fiscal 1988, and would result in outlays of about \$600 million. As every Senator knows, this bill provides authorization ceilings only. Funding for programs in this bill would have to be accommodated within the overall totals available to the Appropriations Committee.

It is no secret that officials in OMB do not want Congress to take any action on housing legislation. They have fought bitterly to prevent Congress from passing any housing bill. For the past 3 years they have generated cost estimates that proved to be baseless. As far back as last January OMB officials were talking publicly about their strategy for getting a veto on a housing bill—that was long before the details of a housing bill had been decided. After the Senate passed a 2-year funding freeze, OMB staff gave President Reagan a cost estimate claiming the bill was a \$131 billion spending blowout.

OMB's position on the housing bill has long since been discredited. Most Members on both sides of the aisle know that OMB can no longer be taken seriously on this issue.

Now someone at OMB is circulating a padded cost estimate in an effort to make this bill appear to be something other than the prudent bill it is. OMB's figures are phony.

First, they throw in over \$1 billion for "contract amendments." These amounts do not apply to this housing authorization. These are amounts that the Appropriations Committee may have to provide to correct for shortfalls in appropriations estimates that were made in prior years. They would have to occur anyway. They would be provided out of the totals available to the Appropriations Committee—they are not new spending created by this bill.

Second, they throw in an extra \$1 billion for farmers home programs. Again, these amounts are not relevant to passage of this housing bill—they reflect losses incurred in the rural housing insurance fund in prior years.

This bill actually reduces new spending for rural housing.

Third, OMB's table suggests that "reuse of recaptures" would create almost \$1 billion in additional spending. This is simply false. The bill only affects the use of funds that have already been appropriated, not new funding. Any funds that are recaptured but not rescinded could be made available only upon action by the Appropriations Committee. Conferees do not expect any additional spending would result from this provision.

Fourth, the table falsely shows \$281 million in additional spending as a result of the public housing operating subsidies "CETA provision." This provision of the bill simply establishes a formal process for reviewing out-of-date expense levels for public housing authorities. That review process can have absolutely no impact on fiscal 1988 spending. And in later years it would have an impact not on spending totals but on the distribution of funds available within the program. Moreover, this provision expands costs that can be considered for reimbursement. The reimbursement would have to come out of authorizations for operating subsidies and would involve no additional spending.

Fifth, the table includes \$100 million for the Nehemiah Program and \$30 million for emergency homeownership counseling. In fact, the bill authorizes only "such sums as may be appropriated" in 1988 for these programs. To date, no appropriations have been included for either program. Under current budget circumstances, the OMB estimate is not based on reality.

Sixth, the table includes \$50 million for "troubled projects" and "capital improvement loans" and smaller amounts for several other programs. Again, these are inappropriate because the bill makes it clear that these funds are to be provided out of other amounts available.

In conclusion, the OMB table is more an effort of disinformation rather than a responsible cost estimate.

CBO's estimate would make it clear to all Senators that we have here a modest bill that provides funding levels slightly below the current levels for this year.

Mr. SASSER. Mr. President, I rise in support of the motion to waive the technical point of order raised against the conference report on the housing bill.

The arguments that have been raised here by those that seek to derail this bill are, to say the least, deceptive and misleading. This conference report is being attacked as a budget buster. There is an implication in such arguments that Congress is simply pouring money into housing programs. That is not the case.

Since 1980, in the face of increasing affordability problems, housing programs have been cut by 70 percent. If other Government spending programs had been cut by a like amount I am sure that we would be running an enormous budget surplus today.

And what about this particular conference report before us today? Again, the budget buster label doesn't apply. This conference report is now \$600 million below the 1987 freeze level that was approved in the Senate-passed housing bill in March. It is below the House-passed level by about \$900 million. CBO and the Budget Committees say this is a \$15 billion authorization and they are right.

Now, those who have raised the budget point of order do have a technical basis for doing so. The housing bill was exposed to the point of order because it included three minor provisions that, according to the CBO, involved a total of \$47 million in direct spending. Indeed, since September 30, any bill with even \$1 of direct spending has technically been exposed to a point of order under the Budget Act. This minor problem can be rectified. And it is my understanding that before we complete action on this matter today, Senators CRANSTON and D'AMATO will move to excise these three provisions from the bill to remove any justification for a point of order.

What makes this situation even more troubling is the fact that those who oppose this bill are relying on erroneous figures provided by the Office of Management and Budget. OMB has a cost estimate on this conference report that is nearly \$4 billion higher than that provided by the Congressional Budget Office. This difference is explained by OMB's double counting funding. OMB has put dollar amounts on programs for which no money will be appropriated. They have generated cost estimates that are baseless. In short, they are cooking the numbers to suit their arguments.

So, Mr. President, I hope my colleagues will not be fooled by what is taking place today. We are not arguing about a "massive budget buster." We are talking about what role the Federal Government should play in the housing area. Those who are hiding behind budget arguments are in fact ideologically opposed to the Federal Government providing the bare minimum of assistance in meeting a critical housing shortage nationwide.

Let me reiterate, housing programs have been cut by more than 70 percent over the past 7 years. How can programs that have taken such cuts be attacked as budget busters?

No, Mr. President, this is not a deficit argument. It's an argument about housing policy pure and simple. I for one think this is a prudently crafted

bill. It is below last year's spending figures and it addresses critical housing needs.

Mr. President, this conference report was approved by the House of Representatives by a vote of 391 to 1. There is obviously broad and bipartisan support for the legislation over there. The House is telling us something: that they think housing should be a national priority.

Mr. President, let's move beyond these technical and misleading points of order, and phony budgetary numbers, and debate the substance of this important bill. I yield the floor.

Mr. GORE. Mr. President, the Housing and Community Development Act of 1987 ranks among the most important bills to come before this Congress. Its adoption will overcome years of stalemate and confrontation between the Congress and the administration determined virtually to eliminate the Federal role in housing and community development. We have the opportunity to support the first comprehensive housing and community development bill in 6 years. More importantly, we will reassert our commitment to a national housing policy that, since 1949, has aimed for a decent home and suitable living environment for every American family.

There are three matters of concern that we should consider during this debate. The first is the matter of fiscal responsibility, as reflected in a vote on a waiver of the Congressional Budget Act. The second is the question of the need and merits of the bill itself. Finally, we must reflect on the national commitment to housing and where that commitment figures in our set of priorities.

THE BUDGET WAIVER

This legislation is a responsible approach to housing at a modest cost. I have reviewed the cost estimates of both the Congressional Budget Office and the Office of Management and Budget. As my colleagues know, the conclusions of those two agencies differ significantly. Frankly, Mr. President, it is clear to me that OMB has padded its cost estimate to coincide with the administration's thinly disguised political goal of getting the Federal Government out of housing altogether.

There are numerous examples of OMB's disinformation on the cost of this bill. For instance, while this legislation actually reduces new spending for rural housing by \$360 million, OMB attempts to show an increase of \$1 billion, not because of new spending, but because of losses in the rural housing insurance fund in prior years. OMB's estimate of \$1 billion in new spending for the reuse of recaptured funds is a complete fabrication, since those funds had already been appropriated.

Mr. President, the fact of the matter is that this bill will not only not cost more, it will provide funding at a level below that of this year. Beyond that, we should understand that if this bill becomes law, we will spend less in Federal dollars—as much as \$300 million less—than will be spent if the bill is defeated. So the opposition to a budget waiver is a technicality reflecting a philosophic opposition to Federal housing programs, not a concern for austerity in the budget.

THE HOUSING ACT

Earlier this year, the Housing and Community Development Act passed the Senate by a vote of 71 to 27. The House of Representatives recently passed the conference report by a vote of 391 to 1. That overwhelming bipartisan vote demonstrates the need for a comprehensive housing bill and the responsibility of the approach we have taken.

In the face of a critical nationwide housing shortage, this legislation reauthorizes and improves HUD's assisted housing programs and the Rental Rehabilitation Program. It increases the efficiency and flexibility of the Comprehensive Improvement Assistance Program. Rural housing programs are reauthorized and made more efficient. It encourages the preservation of privately owned subsidized housing for low-income tenants. Of great importance are provisions which will assist public housing tenants in making a transition to public housing.

A central feature of the bill is a permanent authorization of the insurance authority of the Federal Housing Administration. This is a major step forward, and it will prevent the use of FHA as a political football as it was last year, when we had to vote on an extension a half dozen times. The legislation increases the maximum mortgage amount in high cost areas from \$90,000 to \$101,250, and it limits the mortgage premium to 3.8 percent. Generally, it improves dramatically the operation of FHA in the secondary market.

The CDBG Program is reauthorized for 2 years, better targets benefits to low-income areas, and extends the uses of CDBG to rehabilitation and economic development. UDAG is also reauthorized for 2 years with a more equitable distribution formula. The bill establishes Nehemiah housing opportunity grants and a Fair Housing Initiatives Program.

Mr. President, this is not a perfect bill. But taken as a whole, this is a badly needed, fiscally responsible bill, and I urge its adoption.

A NATIONAL HOUSING POLICY

Finally, Mr. President, this is an appropriate time to consider the national commitment to housing. By 2000, the Urban Institute estimates that a third of all households, and two-thirds of low-income households, will be unable

to find adequate housing they can afford. According to the U.S. Conference of Mayors, the homeless population is growing as much as 25 percent per year.

Now is not the time to retreat from a Federal housing program of subsidized assistance and incentives for homeownership. Yet, that is exactly what this administration has done. In the Reagan years, housing programs have been cut by more than two-thirds, and a dogmatic pursuit of privatization and deregulation have undercut Federal efforts to encourage homeownership. This trend must be reversed, and the legislation we consider today is an important step toward an adequate, responsible national housing policy.

Mr. SIMON. Mr. President, at the outset I would like to state my appreciation to my good friend and colleague, Senator CRANSTON, for his efforts in bringing to the Senate the first major housing bill in 6 years.

I am also most grateful to my friend and colleague, Senator D'AMATO for his many efforts on behalf of the Housing and Community Development Act of 1987.

It is appropriate to point out that, though 6 years have passed, both the housing and community development portions of the bill remain at the same funding levels that have prevailed for the last 3 years.

The Community Development Block Grant Program will continue to provide \$3 billion to the Nation's hard pressed local governments to help them meet the needs of low and moderate income residents: Needs that include housing rehabilitation, streets, adequate water and sewer systems, and funds to aid in the creation of or the preservation of jobs and local economic development.

The CDBG Program and the \$225 million provided for the Urban Development Action Grant Program constitute the major source of Federal assistance to our urban governments. With the loss of general revenue sharing and the \$6 billion it provided annually to local governments, we have sharply reduced aid to cities and towns that now more than at one time in recent memory are called upon to provide high cost services with reduced local resources.

Overall, HUD budget authority is less than half of what it was in 1978. While accounting for 7.4 percent of the total budget then, it will be less than 1 percent in 1988.

Mr. President, I would like to say a few words about the UDAG Program. From an initial funding level of \$675 million in 1978 the program has received no more than \$225 million annually since 1982. Contrary to the perceptions of some, this program has, in fact, done much in aid of economic de-

velopment in our distressed cities and towns.

The UDAG Program has directly contributed to the development of numerous new industries in southern Illinois—an area having a long history of high unemployment and poverty.

The UDAG Program has provided the funds for the water lines that brought the printing industry to Salem and Mount Vernon, Illinois. It provided the funds for the infrastructure that was needed by Flora, IL, to bring an automotive parts manufacturer and 200 new, full-time jobs to the community.

Since 1979 the UDAG Program has been instrumental in bringing approximately 3,000 jobs to southern Illinois and served as an incentive for millions in private sector investment and improved local tax base.

In short, this program, based on my experience, has done exactly what was hoped for and intended by Congress upon its enactment in 1978.

This reauthorization continues our commitment to assist our Nation's elderly and handicapped and the poor by providing a combination of programs: public housing, direct loan authority for construction, vouchers and rental rehabilitation funds for low income households.

Both decent, safe, and sanitary housing as well as decent, safe, and viable communities are a worthy goal of government at all levels and a shared responsibility that has been recognized as such since the Presidency of Franklin Roosevelt.

Mr. WALLOP. I rise today to join the distinguished Senator from Colorado [Mr. ARMSTRONG] in opposing the housing conference report. I find it incredibly ironic that while the "budget summit" members struggle to meet the \$23 billion target in spending cuts, in the week in which the Gramm-Rudman sequester looms large, we are here today voting on a bill that authorizes \$15 billion in spending and which OMB has scored as actually coming in at somewhere in the neighborhood of \$19 billion.

The housing conferees hailed this legislation as a great example of fiscal austerity. They have heartily patted themselves on the back for forging a compromise that they assert saves more money than either the Senate or House version of the bill. But the \$15 billion figure is only a sleight of hand deftly accomplished by underestimating the costs of a number of programs such as rural housing construction, and just plain failing to account for new housing schemes like the Nehemiah Grant Program and the Rural Housing Preservation Grant Program. OMB asserts that when the cost of all items in this bill are totaled up, funding will actually be nearly \$4 billion in excess of the level authorized in the conference report. Moreover, pro-

grams that have been of dubious merit for years are slated for continued funding—UDAG, in particular, is authorized to receive another \$450 million next year.

With each "budget buster"—the Clean Water Act, the highway bill, and now the housing bill—Senators seem to be performing the same song and dance: They can talk about cutting the deficit but making those tough decisions to vote against excessive spending is more than they can muster. As the Wall Street Journal noted this morning in an editorial: The housing bill's "spending imperatives more accurately reflect political reality in Washington now than all the tough decisions the budget-summit players claim to be making." It is time, right now, for the Senate to do something about the deficit. I urge my colleagues to vote for against waiving the Budget Act for this bill and vote against the conference report.

Mr. LEAHY. Mr. President, I speak out today in strong support of the Housing and Community Development Act of 1987. This piece of legislation, the first free-standing housing and community development authorizing bill since 1980, is long overdue, well-crafted, and addresses the undeniable needs of a growing number of Americans.

This is a bill developed by Members of Congress who recognize that the 50-year Federal commitment to providing decent, safe, sanitary, and affordable housing for our least fortunate citizens must not be abandoned. It is also founded on the recognition that as funding for housing and community development has fallen dramatically since 1980, the number of homeless people living on America's streets has risen just as dramatically; that the size of our low-income elderly population is growing; and that in much of our Nation, the rise in the price of decent housing is far outstripping the rise in income of our most needy citizens.

The Housing and Community Development Act of 1987 includes basic, necessary authorization levels for assisted housing and community development programs. The bill includes technical provisions which improve the targeting of housing and community development benefits to the truly needy. It permanently authorizes the Federal Housing Administration and the Home Mortgage Disclosure Act. It extends the life of programs which preserve and improve affordable housing stock in both urban and rural areas.

This is not a budget-busting bill, as its opponents have charged on the floor of the Senate. Since 1980, housing and community development programs have been cut by more than 70 percent—more than any other Federal program area. This bill incorporates those cuts. But this is enough. Fairness dictates that further cuts come

from other areas of the budget. This is a bill that addresses real human needs that are not disappearing, not being solved by the trickling down of prosperity from the private sector, but rather are growing in magnitude.

This is also not a bill advanced strictly by the home builders, the realtors, and the mortgage bankers, as its opponents have also charged on the Senate floor. In my home State of Vermont, 11 nonprofit organizations—public and private—which advocate, finance, and build affordable housing for low-income people have expressed their strong support for this new housing authorization effort.

In my home State of Vermont, the need for affordable housing that this bill addresses at a basic level has never been greater. A recent study by the new joint legislative committee on housing of the Vermont Legislature has found that the average monthly rent of a 2-bedroom apartment, statewide, has doubled from \$200 to \$400 in the 6 years from 1980 to 1986. Incomes there have certainly not doubled.

The rental vacancy rate in Burlington, by far Vermont's largest city, hovers around 1 percent. A vacancy rate below 5 percent is considered to be dangerously low by housing professionals.

The average median income for a Vermont household is approximately \$21,500. This income level will buy a mortgage in the \$43,000 range. Unfortunately, the average price of a two-bedroom house in Vermont rose almost 30 percent from \$51,000 in 1980 to \$64,000 in 1985, and is still climbing. The great majority of Vermonters are locked into the status of renters, or owners of mobile homes.

Very low income people unable to make the transition from institutions to the mainstream aren't the only homeless Vermonters. Increasingly, families are appearing at homeless shelters. Low-paying service jobs will not sustain them on the expensive housing market. They are having great difficulty finding, and keeping, affordable housing.

The Federal Government alone cannot solve this Nation's pressing housing problem. There is an increasingly large role for the State and local governments, and for the private sector. But the national record of the past 6 years shows that without a balanced, targeted Federal funding program to supplement local and State efforts, housing that low-income people can afford is seldom produced.

This is an unacceptable situation, in light of the proven need. It is time to pass the Housing and Community Development Act of 1987 and to reaffirm in a basic way the Federal commitment to a basic human need first enacted in the U.S. Housing Act of 1937.

Mr. CRANSTON. Mr. President, I yield back all remaining time on this side.

The PRESIDING OFFICER. The Senator from Colorado has 15 seconds.

Mr. ARMSTRONG. Mr. President, I yield back all time as well.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive section 311 of the Budget Act. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 380 Leg.]

YEAS—57

Adams	Durenberger	Metzenbaum
Baucus	Ford	Mikulski
Bentsen	Fowler	Mitchell
Biden	Glenn	Moynihan
Boren	Gore	Nunn
Bradley	Graham	Pell
Breaux	Harkin	Pryor
Bumpers	Heflin	Reid
Burdick	Heinz	Riegle
Byrd	Hollings	Rockefeller
Chafee	Inouye	Sanford
Chiles	Johnston	Sarbanes
Cohen	Kennedy	Sasser
Cranston	Kerry	Shelby
D'Amato	Lautenberg	Simon
Daschle	Leahy	Specter
DeConcini	Levin	Stafford
Dixon	Matsunaga	Stennis
Dodd	Melcher	Weicker

NAYS—43

Armstrong	Hatfield	Proxmire
Bingaman	Hecht	Quayle
Bond	Helms	Roth
Boschwitz	Humphrey	Rudman
Cochran	Karnes	Simpson
Conrad	Kassebaum	Stevens
Danforth	Kasten	Symms
Dole	Lugar	Thurmond
Domenici	McCain	Trible
Evans	McClure	Wallop
Exon	McConnell	Warner
Garn	Murkowski	Wilson
Gramm	Nickles	Wirth
Grassley	Packwood	
Hatch	Pressler	

The PRESIDING OFFICER. On this vote, the yeas are 57; the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion to waive the Budget Act upon reconsideration is not agreed to.

The conference report on S. 825 violates section 311 of the Budget Act. The point is well taken. The conference report falls.

The Senator from California.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate recede from its disagreement to the amendment from the House.

The PRESIDING OFFICER. Is there objection?

Mr. ARMSTRONG. Mr. President, reserving the right to object, first the Senate is not in order. It is unfortunate. All Senators here need to understand our parliamentary situation.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ARMSTRONG. Mr. President, now could we ask that the Senator

from California or the Chair put before us again the unanimous-consent request so that we know what it is and then perhaps we could respond.

Mr. CRANSTON. I ask unanimous consent that the Senate recede from its disagreement to the amendment from the House.

That has the effect of removing the conference report that has been rejected and getting us to the House bill which would then be before the Senate and open for amendment.

Mr. ARMSTRONG. Mr. President, reserving the right to object, I want to be sure I understand the actual import of the request. The effect of this then would be to put the Senate bill before us with the House amendment to it. At that stage, if I understand it correctly, the House amendment would be subject to further amendment.

Mr. CRANSTON. That is correct.

The PRESIDING OFFICER. The Senator is correct.

Mr. ARMSTRONG. Mr. President, unless the Republican leader or others on our side of the aisle have an objection to that, I see no objection to that procedure, assuming that we have a chance then to offer amendments to correct what we see as the defects of the bill or better yet to present it in a package.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California?

Mr. DOLE. Mr. President, reserving the right to object, I wonder if I might have a brief quorum call.

Mr. BYRD. With the understanding that Mr. CRANSTON does not lose his right to the floor.

Mr. CRANSTON. I suggest the absence of a quorum, reserving my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. I yield for the majority leader.

I yield the floor.

Mr. BYRD. Mr. President, I have consulted with the distinguished Republican leader.

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate H.R. 2700. That is the bill making appropriations for energy and water development. Then it will be my plan to go out for the day.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2700) making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENTS TO THE NUCLEAR WASTE POLICY ACT

Mr. JOHNSTON. Mr. President, tomorrow the Senate will be asked to vote on a motion to recommit H.R. 2700, the energy and water development appropriations bill, and to vote on final passage. A decision to recommit the appropriations bill, with instructions to substantially weaken the nuclear waste provisions, would be a giant step backward.

The Senate has been considering H.R. 2700 since November 4, with most of this time devoted to nuclear waste. After lengthy debate, the Senate last week voted 63 to 30 to proceed with the redirection of the Nation's Nuclear Waste Program embodied in H.R. 2700. To turn away from that position now would be a travesty.

Much of last week's debate focused on the status of the Department of Energy Nuclear Waste Program. Critics of the program told the Senate that we must stop all progress in the Nuclear Waste Program, that we must relook at everything that has been accomplished, so far, and that what we need is more study of nuclear waste disposal. Others, such as myself and my colleague from Idaho, Senator McCURE, told the Senate that we have studied enough, that significant progress has been made, and that it is time to move forward with the Nation's Nuclear Waste Program. At the end of that debate, the Senate voted overwhelmingly in favor of continuing on with the program and in favor of redirecting the program according to the approach in H.R. 2700. The Senate overwhelmingly agreed that this legislation is essential to keep our Nation's Nuclear Waste Program moving forward to accomplish the goal of safe, permanent disposal of spent nuclear fuel and high-level radioactive waste.

The legislation approved by the Senate last week will streamline the process for finding suitable sites for a repository and a monitored retrievable storage facility. It will build on the foundation laid by the Nuclear Waste Policy Act of 1982, making refinements in the existing program but keeping it moving forward. This approach is vastly preferable to alternatives that would merely put the program on hold and postpone difficult, but essential, decisions. It is vastly preferable to alternatives that would stretch out the decision process by adding unnecessary and complicated procedural hurdles. It is vastly preferable to the alternatives of a two repos-

itory system that is embodied in existing law.

There are four principal elements to the waste legislation approved by the Senate last week. These four points are:

Sequential characterization of candidate sites for a first repository, with selection by January 1, 1989, of a preferred site from among the three sites already determined to be suitable for characterization;

Authorization of a monitored, retrievable storage facility to provide insurance that the first repository program can meet contractual commitments to accept spent nuclear fuel, to establish a capability for safe and uniform packaging and handling of fuel, and ensure that backup storage for the repository program will be available if needed;

Benefits payments for States, Indian tribes, and units of local government where the repository and MRS are located; and

Suspension of further site-specific work on a second repository until the need is fully evaluated in 2010.

In addition, several amendments were adopted last week that will improve this legislation. One of these amendments will establish a permanent National Academy of Sciences oversight board to review the Nuclear Waste Program. This is a constructive amendment, which I believe will ensure that the program continues on course toward a final repository. Other amendments adopted by the Senate last week will ensure that the need for an MRS is evaluated prior to construction of such a facility, will ensure that the private landowners surrounding the candidate repository site in Texas are adequately compensated for any land acquired for site characterization, and will phase out unnecessary research on crystalline rock.

The Senate spent many hours of its valuable time on this nuclear waste legislation last week. It is clear from the quality of the debate, and the extent of Member's involvement, that this is an issue of the critical importance. It is clear that now is the time to make these important decisions on nuclear waste. It is clear that this is the legislative vehicle for getting the job done.

Mr. President, tomorrow, prior to the vote on final passage, there will be a motion to recommit H.R. 2700 with instructions on nuclear waste. I urge my colleagues to vote against this motion to recommit the bill. Approval of this motion would amount to a total rejection of the Senate's hard work on this legislation. That would be a giant step back.

I have not seen the language of the motion to recommit H.R. 2700 to be offered by Senator BREAUX. It is likely, however, that it will resemble the

Breaux-Simpson proposal that was included as part of the budget reconciliation package reported by the Committee on Environment and Public Works.

I have heard my colleagues on the Environment and Public Works Committee describe the differences between their proposed amendments to the Nuclear Waste Policy Act of 1982 and the pending legislation as minor. On their face, perhaps these differences seem minor. But, make no mistakes, these differences are significant. They are subtle, but they are significant. The proposals put forth by my colleagues, Mr. BREAUX and Mr. SIMPSON, would be what I would call killer amendments to the pending legislation.

Let me explain why I believe these differences are really killer amendments.

First, the Breaux-Simpson proposal would delay selection of a preferred site for characterization until 1991 or beyond. Between now and that selection date, the Breaux-Simpson proposal would require surface-based testing at all three of the candidate sites—in Washington, Nevada, and Texas. In addition to delaying the selection unnecessarily, it would also minimize substantially the benefits to be gained from selecting a preferred site and concentrating technical expertise on that one site. According to the Department of Energy, such a surface-based testing program could take as long as 3 to 5 years and would be in addition to the 5- to 7-year test program already envisioned that would involve the drilling of an exploratory shaft for at-depth characterization.

Furthermore, this surface-based testing is not likely to reveal the so-called fatal flaws that would disqualify any of these three sites. At the end of that 3- to 5-year period, the selection of a preferred site would be made based on available information. The Department would then proceed to conduct 5 to 7 years of detailed testing in an exploratory shaft facility. It is during that period of at-depth testing that the suitability of the site for a repository can be determined. The real test of site suitability will only be satisfied by exploration at the proposed depth of a repository.

The Breaux-Simpson approach establishes an artificial distinction between surface-based testing and at-depth testing, with the implication that surface-based testing must always precede at-depth characterization. This simply has no basis in fact. Site characterization, by definition, involves surface-based testing, drilling of near-surface boreholes, laboratory testing, and testing in an exploratory shaft facility at the proposed depth of the repository. There is simply no basis for the assertion that one part of this testing must precede the other

part. Some data can be obtained strictly through surface-based testing, but essential information on the suitability of a site for development as a repository must be collected below the surface. All parts of this testing program must be allowed to proceed in parallel.

But it makes no sense, from a fiscal standpoint, to spend as much as \$2 billion per site to conduct this entire site characterization program, including testing in an exploratory shaft facility, at each of three sites. It is for that reason that we proposed a program of sequential site characterization in the pending legislation.

The Breaux-Simpson proposal purports to support the concept of sequential characterization, but it would essentially eliminate the benefits to be gained by sequential characterization. By proposing a period of surface-based testing prior to the selection of preferred site, the Breaux-Simpson proposal would virtually eliminate the estimated \$3.9 billion savings from the pending legislation. According to the Department of Energy, a period of surface-based testing at three sites prior to the selection of a preferred site would cost over \$1 billion. This \$1 billion would be in addition to the costs that would result simply from the 3- to 5-year delay in the opening of a repository.

Second, the Breaux-Simpson proposal would require the Department of Energy to prepare a full-scale environmental impact statement at the point of selection of preferred site. The Breaux-Simpson provision states simply that the requirements of the National Environmental Policy Act will apply, leaving it up to the Department of Energy—and ultimately the courts—to determine whether this decision point is a major Federal action requiring preparation of an EIS. An EIS at this point will simply cause delay and new opportunities for extended litigation.

I do not believe that an EIS should be required at the time of selection of a preferred site. The NEPA roadmap contained in the Nuclear Waste Policy Act of 1982 required preparation of environmental assessments at the time that candidate sites were selected for characterization. These environmental assessments were completed in May 1986. Under existing provisions of the 1982 act, and the NEPA roadmap incorporated in it, preparation of an EIS is required after site characterization is successfully completed, at the time a license application is submitted to NRC. It is at that point that the major decision is made, when a site is found suitable by DOE and it is then subject to the NRC's rigorous licensing process.

An EIS at the time of selection of a preferred site would be premature. Let

me emphasize that all three of the candidate sites—in Washington, in Nevada, and in Texas—have already been selected for site characterization. We can already go ahead with detailed testing at all three sites. That testing—without the pending amendments—will lead to the drilling of exploratory shafts at all three sites. That activity is already contemplated and anticipated under the provisions of current law. The nuclear waste provisions incorporated in H.R. 2700 would simply direct the Secretary to select only one of the three candidate sites at which this work would be conducted.

The application of NEPA proposed by the Breaux-Simpson approach would essentially duplicate the environmental assessment process completed in 1986, at the time the candidate sites were selected for characterization. There is nothing new contemplated by the selection of a preferred site for characterization that would require preparation of an EIS at this decision point.

Now is the time for making these essential decisions on nuclear waste. We have the information now to make the selection of a preferred site for characterization. All three of these sites have already been found suitable for characterization, and technical experts from the Nuclear Regulatory Commission and the National Academy of Sciences have affirmed that adequate technical preparation has been done to proceed at these sites.

I have heard the critics of this legislation state that the Department of Energy has not done adequate technical preparation. I have heard these critics say that the Department does not have enough information to make a selection of a preferred site for characterization. I have heard these critics state that the Nuclear Regulatory Commission opposes this pending legislation.

Let me state to my colleagues, as I have stated before, that this is simply not true. I have asked the Nuclear Regulatory Commission this question myself on more than one occasion. Let me quote from an October 2 letter from NRC Chairman Lando Zech:

The Commission does not oppose legislation that would require that only one site undergo at-depth characterization. The Commission does not believe that simultaneous characterization of three sites is necessary to ensure the public health and safety. . . . The staff has not identified any technical reason to preclude sequential site characterization.

While the NRC staff suggested in August that a period of surface-based testing should be conducted prior to the selection of a preferred site, the NRC Commissioners specifically rejected this suggestion in their position as stated in this October 2 letter.

Chairman Zech reiterated this position to me in a letter just last week.

Let me quote from his November 10 letter:

The Commission's views continue to be those that we expressed in an October 2, 1987 letter to you. Simply put, the Commission does not oppose legislation that would require the Secretary of Energy to select one site for at-depth characterization. Simultaneous characterization of three sites is not necessary to protect the public health and safety. The Commission takes no position concerning the date for selecting a preferred site for characterization.

Let me state again what I said at the outset. There are more than just slight differences between the pending legislation and the Breaux-Simpson approach. The provisions included in the Breaux-Simpson proposal—delay in selection of a preferred site until 1991, required surface-based testing prior to that selection, and required preparation of an EIS at the time of selection of a preferred site—are killer amendments. Instead of streamlining the process along a course of sequential characterization, the provisions of the Breaux-Simpson proposal would impose new burdens and create additional delays that are unnecessary.

I urge my colleagues to reject the Breaux motion to recommit H.R. 2700 to the Appropriations Committee with instructions on nuclear waste. After lengthy debate last week, the Senate voted, by a margin of two to one, to move forward with the nuclear waste program. A decision to recommit would simply undo what has already been accomplished.

I ask unanimous consent that the next of NRC Chairman Lando Zech's November 10 letter to me be printed in the RECORD. I also ask unanimous consent that an October 28 letter from Secretary of Energy John Herrington to Quentin Burdick, chairman of the Committee on Environment and Public Works, concerning the Breaux-Simpson proposal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, October 28, 1987.
Hon. Quentin N. Burdick
Chairman, Committee on Environment and
Public Works, U.S. Senate, Washington,
DC

DEAR MR. CHAIRMAN: I have been following the actions of the Senate Environment Committee regarding the nuclear waste issue and wanted to discuss with you some particular concerns that have arisen in response to the Committee's proposal.

The various House and Senate committees have invested substantial time to address key issues in the nuclear waste area and the Department continues to stand ready to assist these efforts in any way possible. We remain convinced that an established program for the safe and effective disposal of nuclear waste is essential not only for the public interest but also for the future viability of the nuclear industry in this country. It is crucial that we move forward with the

program and do so with a minimum amount of delay.

The proposal drafted recently by the Senate Environment Committee as part of its reconciliation package addresses several critical aspects of the program. I am concerned, however, that the approach set forth in the proposal may impose new burdens and create additional delays in the management of the waste program which are not necessary to ensure that the program is conducted in a safe and effective manner.

Specifically, we are concerned that the proposal would require a minimum two-year delay in the program prior to selection of a preferred site and create other scheduling requirements which could further push back the date when waste could be accepted at a repository site. Under this proposal, the Department would be unable to accept spent fuel by 1998, leaving unfulfilled the Department's established commitment to begin accepting waste by that date.

In addition, we believe the Environment Committee's proposal would fundamentally change the program in a way that would entail substantially greater costs and burdens for the program's operation. By requiring intermediate findings as part of the site characterization process, the proposal would inject into the program an entirely new source of uncertainty with respect to overall program costs and scheduling. This requirement, including a mandate for surface-based testing of three sites, would impose new costs and delays in an effort to obtain information and data which can be acquired more accurately and efficiently through full characterization.

Further, we are concerned that the proposal may refashion the program in a manner requiring the consideration of potential repository sites in 23 states. By incorporating into the proposal the National Environmental Policy Act and its requirement of reasonable alternatives, the proposal could effectively repeal current numerical limits on such alternative sites. We are concerned that this requirement, along with several other provisions, such as the imposition of surface-based testing and the preservation of pending Court challenges to the program, may constitute, in the aggregate, rejection by the Congress of the bases for major decisions previously made in this program. Such retrenchment, embodying new ground rules for analyzing potential sites, inevitably risks the consequence of the Department being required to examine anew all locations whose geology, based upon our knowledge to date, renders them potential candidates for a repository. For your review, I have enclosed a list of the potentially affected states.

Finally, I believe it is important to express the Department's concern not only with respect to what the Environmental Committee proposal would require, but also what the proposal would not require. Specifically, it would leave out incentives for the host state and would fail to authorize a Monitored Retrievable Storage facility. In our view, provisions in these areas would contribute significantly to the fulfillment of the program's objectives and enable them to be accomplished on a more efficient and reliable schedule. As you know, we have supported efforts to establish these provisions and have specifically voiced our support for S. 1668, sponsored by Senators Johnston and McClure, which contains them. It is our hope that the Senate will fashion a legislative package that will incorporate such fea-

tures and place the program on a track that will minimize delays. In our view, the continued implementation of the current Act would be preferable to legislation that falls short of these objectives.

Again, I appreciate the work of the Environment Committee with respect to the waste issue, and look forward to continued cooperation with the Congress toward the development of a final legislative package.

Yours truly,

JOHN S. HERRINGTON.

POTENTIALLY AFFECTED STATES

Washington, Nevada, Texas, Utah, Mississippi, Louisiana, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Michigan, Wisconsin, and Minnesota.

NUCLEAR REGULATORY COMMISSION,

Washington, DC, November 10, 1987.

HON. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your letter of November 9, 1987, in which you requested the Nuclear Regulatory Commission's views on legislation that would require the Secretary of Energy to select by January 1, 1989, a single preferred site for characterization as a repository from among the three current candidate sites.

The Commission's views continue to be those that we expressed in an October 2, 1987 letter to you. Simply put, the Commission does not oppose legislation that would require the Secretary of Energy to select one site for at depth characterization. Simultaneous characterization of three sites is not necessary to protect the public health and safety. The Commission takes no position concerning the date for selecting a preferred site for characterization. However, it should be recognized that sequential site characterization could delay the schedule for opening a repository if the preferred site is subsequently found to be unlicensable. To mitigate this concern we have suggested that surface-based testing continue at the two sites not selected for at-depth characterization. This is the approach reflected in your amendment to S. 1668. Please contact me if we can be of further assistance.

Sincerely,

LANDO W. ZECH, JR.

ORDER OF PROCEDURE

Mr. ARMSTRONG. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. ARMSTRONG. It is difficult for the Senate to be able to hear the leader's game plan.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Colorado and I thank the Chair.

Mr. President, the Senate is now back on the energy and water bill which, for the time being, displaces the conference report on the housing bill. I am amenable to having morning business if Senators would like to.

Mr. ARMSTRONG. Will the leader yield for a question?

Mr. BYRD. Yes.

Mr. ARMSTRONG. As I understand it, you have displaced further action on the housing bill.

Mr. BYRD. Yes.

Mr. ARMSTRONG. It is actually not the housing conference report, because the conference report, as I understand it, has fallen. But, because the conference report itself has been removed by the point of order, I am not exactly clear on the status of the housing bill with the House amendment and how we would get back to it. Would we get back to it upon the motion of the leader? Is it still a privileged matter, or where are we on that?

Mr. BYRD. Mr. President, I yield for the purpose of the parliamentary inquiry.

The PRESIDING OFFICER. S. 825 is a message from the House and it is privileged for the Senate to proceed to its consideration by a majority vote.

Mr. ARMSTRONG. Mr. President, if the leader would yield for a moment further, I understand the Chair's advice is that it would take either unanimous consent or a majority vote to proceed to the consideration of it. I only ask that not because I have intention of delaying our return to the matter, but simply to clarify what the ground rules are.

May I, with the indulgence of the leader, say that I have consulted with the Senator from California and other Senators and it is my hope, indeed my expectation, that this matter will simply be laid aside for a few days while we can see if either we can work out a package that would be agreeable to the Senator from California or, failing that, that Senators on this side of the aisle would propose an alternative or substitute which would be hopefully good enough to attract the interest and support of the majority. Failing that, I guess we would offer individual amendments addressed to the specific areas of our concern.

So, I thank the Chair and I thank all Senators for giving us the opportunity to proceed in this way.

Mr. BYRD. Mr. President, I am amenable to Senators if they wish to speak. I will be happy to put the Senate into morning business if Senators would like to talk.

If not I would suggest that we do our housekeeping, unanimous-consent requests, and go out.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business not to extend beyond 10 minutes, Senators to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. There will be no more votes today. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

HOUSING LEGISLATION

Mr. ARMSTRONG. I ask unanimous consent that the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. I would like to revisit the issue of what happens to the housing bill. Because there was some noise in the Chamber, I do not think I heard the ruling of the Chair correctly, and then I think I proceeded to inaccurately restate the situation.

Would the Chair state again how the housing bill will get before us?

The PRESIDING OFFICER. In order for the bill to be considered, a Senator may request that it be laid before the Senate and if the Senate acquiesces, then—if the Chair acquiesces, then the Senate will proceed.

Second is majority vote on a nondebatable motion to proceed. The third is by unanimous consent.

Mr. ARMSTRONG. Mr. President, I thank the Chair for that explanation, and I would observe that my understanding of that ruling is simply that it will be called up upon the decision of the majority leader. That would, I think, be the tradition; that the leader would be the one who would ask the Chair to lay it before the body and that if any other Senator were to do so, then the Chair probably would not acquiesce. That would be up to the Chair, I guess, to decide. But I assume that that would be the case.

I only wanted to clarify that because I think I inadvertently misstated the situation a moment ago.

In any event, the underlying real situation, as opposed to the parliamentary situation, remains the same. We are going to try to put together a package that a majority of Senators would like to vote for, and we will be back in touch shortly about that.

VITIATION OF ACTION ON H.R.

278

Mr. BYRD. Mr. President, I ask unanimous consent that the action taken by the Senate on October 29 in insisting on its amendment and requesting a conference with the House on H.R. 278, the Alaska Native Claims Act, be vitiated.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

VITIATION OF ACTION ON S.

1360

Mr. BYRD. Mr. President, I ask unanimous consent to vitiate the action of the Senate in passing S. 1360,

a bill to amend the Indian Financing Act of 1974.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

INDIAN FINANCING ACT OF 1974

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 1360.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1360) to amend the Indian Financing Act of 1974, and for other purposes.

AMENDMENT NO. 1195

(Purpose: To permit certain surety bond guarantees)

Mr. BYRD. Mr. President, on behalf of Mr. INOUE, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. INOUE, proposes an amendment numbered 1195.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the Committee amendment, add the following:

SURETY BOND GUARANTEES

Sec. 5. The Indian Financing Act of 1974 is amended by inserting the following new section 217A after section 217:

"Sec. 217A. (a) The Secretary may guarantee and enter into commitments to guarantee a surety against loss as the result of a breach by a principal of the terms of a bid bond, payment bond, or bonds ancillary and coterminous therewith, if:

"(1) the principal is an Indian tribe, an Indian, or an economic enterprise as defined in section 3;

"(2) the contract involved does not exceed \$1,250,000;

"(3) the bond is required if the principal is to be a qualified bidder on a contract or a prime contractor or subcontractor on the contract;

"(4) the principal cannot obtain the bond on reasonable terms and conditions without the guarantee;

"(5) there is a reasonable expectation that the principal will perform the conditions of the contract;

"(6) the contract meets requirements established by the Secretary for feasibility of successful completion and reasonableness of cost;

"(7) the terms and conditions of the bond are reasonable in light of the risks involved and the extent of the surety's participation; and

"(8) the guarantee or commitment limits the obligation of the Secretary to 90 percent or less of the loss incurred and paid by the surety as the result of the principal's breach of the contract and includes such terms and conditions as the Secretary may prescribe in

general or as the Secretary determines on the basis of the Secretary's experience with the particular surety or, in the case of an application for a guarantee on behalf of an enterprise that is less than 100 percent Indian owned, the guarantee or commitment limits the obligation of the Secretary to not to exceed 90 percent of the contract amount that is proportionate to the percentage of Indian ownership of the economic enterprise.

"(b) The terms, conditions, and procedure prescribed by the Secretary for reimbursing a surety for the losses paid by the surety may include monthly billing by the surety to the Secretary for losses paid by the surety and payment by the Secretary based upon prior monthly payments to the surety, with subsequent adjustments by the Secretary as may be appropriate.

"(c) The Secretary may audit in the surety's office the documents, files, books, records, and other material relevant to a guarantee or commitment to guarantee under this section.

"(d) The Secretary shall establish reasonable fees to be paid by principals and premiums to be paid by sureties and shall deposit them in the Loan Guarantee and Insurance Fund under section 217 of this Act. A guarantee or commitment to guarantee under this section is a guaranteed loan for purposes of section 217 of this Act.

"(e) In this section—

"(1) 'bid bond' means a bond conditioned on the bidder on a contract entering into the contract if the bidder receives the award and furnishes the prescribed payment and performance bonds;

"(2) 'payment bond' means a bond conditioned on the payment by the principal of money to persons under a contract;

"(3) 'performance bond' means a bond conditioned on the completion by the principal of a contract in accordance with its terms;

"(4) 'surety' means the person who (A) under the terms of a bid bond, undertakes to pay a sum of money to the obligee in the event the principal breaches the conditions of the bond, (B) under the terms of a performance bond, undertakes to incur the cost of fulfilling the terms of a contract in the event the principal breaches the conditions of the contract, (C) under the terms of a payment bond, undertakes to make payment to all persons supplying labor and materials in carrying out the work under the contract if the principal fails to make prompt payment, or (D) is an agent, underwriter, or any other company or individual authorized to act for such person;

"(5) 'obligee' means (A) in the case of a bid bond, the person requesting bids for the performance of a contract, or (B) in the case of a payment bond or a performance bond, the person who has contracted with a principal for the completion of the contract and to whom the obligation of the surety runs in the event of a breach by the principal of the conditions of a payment or performance bond;

"(6) 'principal' means (A) in the case of a bid bond, a person bidding for the award of a contract, or (B) the person primarily liable to complete a contract for the obligee, or to make payments to other persons in connection with the contract, and for whose performance the surety is bound under the payment or performance bond. A principal may be a prime contractor or a subcontractor;

"(7) 'prime contractor' means the person with whom the obligee has contracted to perform the contract; and

"(8) 'subcontractor' means a person who has contracted with a prime contractor or with another subcontractor to perform a contract.

"(f) The Secretary, within the 180-day period following the date of the enactment of this section, shall promulgate such regulations as may be necessary to implement this section."

The ACTING PRESIDENT pro tempore. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1195) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. Is there further amendment? Without objection, the committee amendment, as amended, is agreed to.

The question is on the engrossment of the committee amendment and third reading of the bill.

The committee amendment, as amended, was ordered to be engrossed for a third reading, and was read a third time.

The bill (S. 1360), as amended, was passed, as follows:

S. 1360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

LIMITATIONS ON AMOUNTS OF LOANS TO INDIVIDUAL INDIANS OR ECONOMIC ENTERPRISES

SECTION 1. Section 204 of the Indian Financing Act of 1974 (25 U.S.C. 1484) is amended by striking out "\$350,000" and inserting in lieu thereof "\$500,000".

ASSIGNMENT OF LOANS

SEC. 2. Section 205 of the Indian Financing Act of 1974 (25 U.S.C. 1485) is amended to read as follows:

Sec. 205. Any loan guaranteed under this title, including the security given for such loan, may be sold or assigned by the lender to any person."

AGGREGATE LOANS LIMITATION

SEC. 3. Section 217 of the Indian Financing Act of 1974 (25 U.S.C. 1497) is amended by striking out "\$200,000,000" in subsection (b) and inserting in lieu thereof "\$500,000,000".

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) The last sentence of subsection (e) of section 217 of the Indian Financing Act of 1974 (25 U.S.C. 1497(e)) is amended to read as follows: "All collections and all moneys appropriated pursuant to the authority of this subsection shall remain available until expended.

(b) Section 217 of the Indian Financing Act of 1974 is amended by adding at the end thereof the following new subsection:

"(f) In the event that the amount in the fund is not sufficient to maintain an adequate level of reserves, as determined by the Secretary of the Interior, necessary to meet the responsibilities of the fund in connection with losses on loans guaranteed or insured under this title, the Secretary shall promptly notify the President of that fact,

and within the 30-day period following such notification, the President shall submit to the Congress a proposed supplemental appropriation request in an amount necessary to assure an adequate level of reserves."

(c) Any new credit authority (as defined in section 3 of the Congressional Budget and Impoundment Control Act of 1974) which is provided by amendments made by this Act shall be effective only to such extent and in such amounts as may be approved in advance in appropriation Acts.

SURETY BOND GUARANTEES

SEC. 5. The Indian Financing Act of 1974 is amended by inserting the following new section 217A after section 217:

SEC. 217A. (a) The Secretary may guarantee and enter into commitments to guarantee a surety against loss as the result of a breach by a principal of the terms of a bid bond, payment bond, or bonds ancillary and coterminous therewith, if:

"(1) the principal is an Indian tribe, an Indian, or an economic enterprise as defined in section 3;

"(2) the contract involved does not exceed \$1,250,000;

"(3) the bond is required if the principal is to be a qualified bidder on a contract or a prime contractor or subcontractor on the contract;

"(4) the principal cannot obtain the bond on reasonable terms and conditions without the guarantee;

"(5) there is a reasonable expectation that the principal will perform the conditions of the contract;

"(6) the contract meets requirements established by the Secretary for feasibility of successful completion and reasonableness of cost;

"(7) the terms and conditions of the bond are reasonable in light of the risks involved and the extent of the surety's participation; and

"(8) the guarantee or commitment limits the obligation of the Secretary to 90 percent or less of the loss incurred and paid by the surety as the result of the principal's breach of the contract and includes such terms and conditions as the Secretary may prescribe in general or as the Secretary determines on the basis of the Secretary's experience with the particular surety or, in the case of an application for a guarantee on behalf of an enterprise that is less than 100 percent Indian owned, the guarantee or commitment limits the obligation of the Secretary to not to exceed 90 percent of the contract amount that is proportionate to the percentage of Indian ownership of the economic enterprise.

"(b) The terms, conditions, and procedure prescribed by the Secretary for reimbursing a surety for the losses paid by the surety may include monthly billing by the surety to the Secretary for losses paid by the surety and payment by the Secretary based upon prior monthly payments to the surety, with subsequent adjustments by the Secretary as may be appropriate.

"(c) The Secretary may audit in the surety's office the documents, files, books, records, and other material relevant to a guarantee or commitment to guarantee under this section.

"(d) The Secretary shall establish reasonable fees to be paid by principals and premiums to be paid by sureties and shall deposit them in the Loan Guarantee and Insurance Fund under section 217 of this Act. A guarantee or commitment to guarantee under this section is a guaranteed loan for purposes of section 217 of this Act.

"(e) In this section—

"(1) 'bid bond' means a bond conditioned on the bidder on a contract entering into the contract if the bidder receives the award and furnishes the prescribed payment and performance bonds;

"(2) 'payment bond' means a bond conditioned on the payment by the principal of money to persons under a contract;

"(3) 'performance bond' means a bond conditioned on the completion by the principal of a contract in accordance with its terms;

"(4) 'surety' means the person who (A) under the terms of a bid bond, undertakes to pay a sum of money to the obligee in the event the principal breaches the conditions of the bond, (B) under the terms of a performance bond, undertakes to incur the cost of fulfilling the terms of a contract in the event the principal breaches the conditions of the contract, (C) under the terms of a payment bond, undertakes to make payment to all persons supplying labor and materials in carrying out the work under the contract if the principal fails to make prompt payment, or (D) is an agent, underwriter, or any other company or individual authorized to act for such person;

"(5) 'obligee' means (A) in the case of a bid bond, the person requesting bids for the performance of a contract, or (B) in the case of a payment bond or a performance bond, the person who has contracted with a principal for the completion of the contract and to whom the obligation of the surety runs in the event of a breach by the principal of the conditions of a payment or performance bond;

"(6) 'principal' means (A) in the case of a bid bond, a person bidding for the award of a contract, or (B) the person primarily liable to complete a contract for the obligee, or to make payments to other persons in connection with the contract, and for whose performance the surety is bound under the payment or performance bond. A principal may be a prime contractor or a subcontractor;

"(7) 'prime contractor' means the person with whom the obligee has contracted to perform the contract; and

"(8) 'subcontractor' means a person who has contracted with a prime contractor or with another subcontractor to perform a contract.

"(f) The Secretary, within the 180-day period following the date of the enactment of this section, shall promulgate such regulations as may be necessary to implement this section."

TO AUTHORIZE RELEASE OF A DOCUMENT BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, on behalf of Mr. DOLE and myself, I send to the desk a Senate resolution and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 324) to authorize release of a document by the Committee on Foreign Relations.

Mr. BYRD. Mr. President, has the Senate proceeded?

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, on October 30, 1987, two subcommittees of the Committee on Foreign Relations—the Subcommittee on International Economic Policy, Trade, Oceans and Environment and the Subcommittee on Terrorism, Narcotics and International Operations—jointly heard testimony from William Crone. Mr. Crone is a United States citizen who has resided in Costa Rica, and he testified to the subcommittees about operations to supply the Nicaraguan Contras.

After he testified at that open hearing, Mr. Crone gave further testimony at a closed session, responding to questions of a special counsel to the Committee on Foreign Relations. The independent counsel appointed to investigate the arms sales to Iran and the provision of assistance to the Nicaraguan opposition has now requested the Committee on Foreign Relations to provide him with a copy of Mr. Crone's closed-session testimony. By Senate Resolution 180, agreed to earlier in this Congress, the Senate granted a related request by the independent counsel for transcripts of closed hearings of the Select Committee on Intelligence.

This resolution will authorize the Committee on Foreign Relations to provide to the independent counsel a copy of the transcript of Mr. Crone's closed-session testimony for use in the independent counsel's investigation. The committee will retain control over any decision to release to the public all or portions of such closed-session testimony.

The PRESIDING OFFICER. Is there further debate on the resolution? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 324

Whereas, on October 30, 1987, the Subcommittee on International Economic Policy, Trade, Oceans and Environment and the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations received in open and closed sessions the testimony of William Crone;

Whereas, the Independent Counsel appointed by the court in *In re Oliver L. North, et al.* (D.C. Cir. Div. No. 86-6, Dec. 19, 1986), has requested a transcript of the witness's closed session testimony in furtherance of the Independent Counsel's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in

the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Foreign Relations, acting jointly, are authorized to provide to the Independent Counsel a transcript of the closed session testimony of William Crone, subject to the Independent Counsel's agreement to abide by confidentiality and other requirements established by the Committee.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HOUSE CONCURRENT RESOLUTION 209 INDEFINITELY POSTPONED

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 433, House Concurrent Resolution 209, be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VLADIMIR AND MARIA SLEPAK WELCOMED TO THE UNITED STATES

Mr. HEINZ. Mr. President, on behalf of myself, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. COHEN, Mr. DOLE, Mr. DURENBERGER, Mr. LAUTENBERG, Mr. LEVIN, Mr. MOYNIHAN, Mr. PELL, Mr. SARBANES, and Mr. SPECTER, I send a concurrent resolution to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 90) welcoming Vladimir and Maria Slepak to the United States.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the concurrent resolution.

WELCOMING SLEPAKS TO WASHINGTON

Mr. HEINZ. Mr. President, today Washington welcomes two great fighters for human rights, Vladimir and Maria Slepak. For the past 17 years, the Slepaks have inspired, guided, supported, and sustained the Soviet Jewry emigration movement from their apartment in Moscow and their Siberian exile.

The concurrent resolution I have sponsored welcomes the Slepaks to Washington and salutes their inspiring courage in confronting totalitarian power to advance basic human rights. I am proud to have as cosponsors on this resolution Senators BOSCHWITZ,

BRADLEY, COHEN, DOLE, DURENBERGER, LAUTENBERG, LEVIN, MOYNIHAN, PELL, SARBANES, and SPECTER. Several of these Senators have served with me and several members of the House on the U.S. Committee to Free Vladimir Slepak.

When the Slepaks arrived in freedom in Vienna several weeks ago, I had the privilege of greeting them. And Vladimir Slepak's words at that time were sound guidance for all of us as we celebrate the liberation of one of the Founding Fathers of the Soviet emigration movement. He said that Soviet policy will have really changed when, and I quote, "every Soviet Jew, every human being in the Soviet Union, has the right to leave his country when he wants and where he wants." That is the standard we must apply—a tough one, that makes a maximum commitment to principles we hold dear.

Vladimir Slepak said something upon arrival in Israel as well. He told the crowd that gathered there to give him a hero's welcome that, and again I quote, "I am not an outstanding person. I'm a simple Jew with a simple strength, a holy strength." Here is one thing said by Vladimir Slepak that we might all take issue with. The strength of Vladimir and Maria Slepak may be a simple one, but it is not a common one. It is a strength, a depth of perseverance, an indifference to totalitarian intimidation, that serves as an example to us all.

This resolution salutes the Slepaks as it welcomes them to the capital of our country. But it also salutes all those Americans, both private citizens and public officials, who have helped keep up the pressure on Moscow to set them free.

The Soviets may think they are just clearing the decks of embarrassing issues before a summit. But they have done much more. They have rewarded those of us in the West who fight for human rights in the Soviet Union. They have shown our efforts to be worthwhile. They have given us more reason to fight on. The Slepaks' liberation is not an end-point—it is just a step along the way. The Kremlin may still underestimate American commitment to principles of human rights. Our continuing task is to educate them once and for all.

When the Slepaks left Moscow, the KGB committed one last act of harassment. They kept the Slepaks' luggage. Vladimir and Maria can part with a few possessions, if they are never returned. But something far more precious still under the KGB's boot—the souls of thousands of Soviets who seek to emigrate—continues to claim our strongest commitment.

I thank the Senate leadership for their help in passing this resolution. And I thank the American people for their support in fighting for the free-

dom of Soviet Jewry and others denied their basic human rights. As we welcome Vladimir and Maria Slepak today, let us rejoice in their release and rededicate ourselves to the task that Vladimir Slepak has helped set—the struggle to ensure that "every human being in the Soviet Union has the right to leave his country when he wants and where he wants."

The ACTING PRESIDENT pro tempore. Is there further debate on the concurrent resolution?

If not, the question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 90) was agreed to, as follows:

S. CON. RES. 90

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. FINDINGS.

The Congress finds that:

(1) Vladimir and Maria Slepak were among the first to apply for an emigration visa from the Soviet Union, and are rightfully considered among the founders of the Soviet Jewish emigration movement; and

(2) The Slepaks campaigned tirelessly for the right of Soviet Jews and other Soviet citizens to emigrate, and these efforts were supported by successive U.S. Administrations, the U.S. Congress, and the American people; and

(3) For their activism on behalf of internationally recognized human rights, the Slepaks suffered police harassment, internal exile, imprisonment, and loss of employment; and

(4) Despite this severe persecution, the Slepaks persevered in their efforts and, in October 1987, the Slepaks were permitted to emigrate to Israel; and

(5) Untold thousands of Jews and other citizens of the Soviet Union seek to emigrate from that country, but the Soviet Government continues to restrict such emigration in violation of solemn international legal commitments of the Soviet Union; and

(6) The American people and the Congress continue to give their strong and unflagging support to the right of all Soviet citizens to emigrate to a country of their choice.

SEC. 2. CONGRESSIONAL WELCOME.

(1) The Congress welcomes Vladimir and Maria Slepak to the United States and to the Nation's Capital, and salutes their inspiring courage and that of all Soviet human rights activists in fighting for human rights in the Soviet Union.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

Mr. HEINZ. Mr. President, will the Senator withhold?

Mr. BYRD. I withhold.

Mr. HEINZ. Mr. President, I ask unanimous consent that I may proceed for 2 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FRAUD OF THE DAY—PART 15

Mr. HEINZ. Mr. President, on previous occasions I have taken the floor to identify various cases of customs

fraud. My purpose in doing so was to demonstrate the pervasiveness of such fraud in our economy and to explain some new ways we might deal with it, beginning with the private right of action amendment adopted by the Senate as part of the trade bill.

Today I want to address a different kind of fraud which is nonetheless relevant to the Senate provision. That is lawyer's fraud—the filing of frivolous, baseless complaints in order to harass importers. I raise this kind of fraud because one of the concerns expressed about the Senate amendment is that it might lead to the filing of just such frivolous cases.

Looking into that concern further, and examining current legal literature on the subject has convinced me that that concern is without foundation. In fact, the evidence indicates that recent changes in the Federal Rules of Civil Procedure have provided such an aggressive means of attacking frivolous cases that some in the legal community are concerned about the opposite problem—a chilling effect on litigation, rather than a chilling effect on importing.

When the Senate considered my private right of action amendment on July 15, Senator PACKWOOD raised a concern about possible use of the provision to harass importers, and I responded at that time with a discussion of rule 11 of the Federal Rules of Civil Procedure, which was extensively revised in 1983 and which, I believe, will preclude frivolous proceedings in cases that could arise due to the Senate amendment. I have subsequently agreed, with the support of the Treasury Department, on a further amendment to the Senate provision, if the conferees wish to adopt it, that would place rule 11 sanctions explicitly within the private right of action provision. That would make even more clear our intent that such sanctions be applied in these cases.

Fortunately, there has been extensive research done on this point with respect to the applicability of rule 11. In my subsequent remarks I will be referring to and quoting from an article entitled, "Sanctions Under Amended Federal Rule 11—Some 'Chilling' Problems in the Struggle Between Compensation and Punishment," that appeared in the June 1986, edition of the Georgetown Law Journal by Melissa Nelken, an associate professor at Hastings College of the Law, University of California.

Rule 11, which provides for mandatory sanctions in frivolous cases, was, as I mentioned, extensively revised in 1983 amid mounting concern that the litigation process was being abused. Prior to 1983 the rule required a lawyer to sign a pleading and to certify that he or she had read it and that to the best of his or her knowledge, "there is a good ground to support it

and it is not interposed for delay." A violation of the rule could result in the pleading being stricken and/or the attorney being disciplined.

For a variety of reasons, this was not a particularly effective rule. In the 45 years from its promulgation in 1938 to its revision in 1983, researchers identified only 19 "genuine adversary rule 11 motions," although others may not have been reported. As a result, substantial revisions were made in 1983, which research suggests have been quite effective in increasing the use of rule 11, possibly to the point where it is having a chilling effect on litigation.

The first change was to extend the application of the rule to cover not just pleadings but motions and other papers filed in court as well. This was an important step designed to "discourage dilatory or abusive tactics and help to streamline the litigation process," according to the Advisory Committee notes to the 1983 amendments.

The second important change was to add to the subjective standard of good faith an additional objective standard of "reasonable inquiry." Most judges had interpreted the earlier rule as requiring a determination that the lawyer had not acted in good faith before sanctions could be imposed. Now, "a lawyer's failure to make the required inquiry will result in sanctions, regardless of her subjective good faith. The language of the rule no longer restricts sanctions to 'willful' violations. Thus, sanctions have been imposed under the rule * * * for bringing claims lacking an adequate factual basis," according to Professor Nelken.

The third change in the rule was the decision to make the imposition of sanctions for a violation mandatory. Despite this change, the rule still leaves to the court a good measure of discretion, since it remains to the judge to decide whether the rule has been violated and whether to impose a sanction on the lawyer, the client, or both. In addition, while the rule now suggests that the sanction imposed be an order to pay the reasonable costs of the opposing party which are associated with the filing, it is still within the judge's power to fashion some other appropriate sanction, which could include disallowing evidence, precluding an issue or a claim, or even entering a judgment against the offending party.

In my view, and in the view of Professor Nelken, the clear effect of these changes has been to give the rule some real teeth which have encouraged its use and application. Her article evaluated use of the rule in the 2 years following its implementation in August 1983. During that period there were 233 cases in which district courts reported sanctions were considered 240 times. Of that total, sanctions were ordered in 100 cases, denied in 85; and warnings were issued in 42. There were nine postponements of a decision on

sanctions, and in four cases motions for sanctions were invited. This is obviously a far greater use of the rule than what had occurred in the entire 45 years preceding its revision. To add further weight to that count is an article that appeared in the New York Times in October 1986, indicating that the total had grown to more than 300 reported district court opinions on rule 11 by that time. Furthermore, these figures could represent only the tip of the iceberg, since most rule 11 opinions are not reported in the first place.

While the rule 11 revisions have had their critics, it is interesting that the criticism seems to have come from both sides at once. Some have argued that the rule is not strictly enforced and that judges have tended to be too soft on bad lawyering. Others claim that mandatory sanctions are too harsh and have had a chilling effect on lawyers, discouraging them from vigorous pursuit of honest claims.

In my experience with the working of legislation, I have learned that if both sides criticize something it is probably working pretty well, and I believe that is the case with rule 11. One of the rule's original drafters, Harvard Law School Professor Arthur Miller, made the same point: "I think rule 11 is a useful weapon against unnecessary litigation, and most judges think that, too. Overall, I'd say rule 11 is working exactly the way it was supposed to."

It seems to me, Mr. President, that these facts refute suggestions that the private right of action amendment will lead to frivolous or harassing cases. I do not believe that would happen in any event for reasons I plan to discuss on another occasion. But even if domestic parties were tempted to pursue complaints with no basis, it is clear that a remedy already exists, and it is equally clear that the remedy—rule 11—is presently being used quite effectively exactly as was intended—to prevent frivolous filings.

Mr. President, I yield the floor.

Mr. McCONNELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. BYRD. Mr. President, will the Senator yield to me?

Mr. McCONNELL. Yes.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 30 minutes so that Senators may speak therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, if the Senator will yield 30 seconds, I ask the distinguished Senator from New Hampshire if he will put me on his joint resolution as a cosponsor. May I say, that joint resolution has been cleared on this side of the aisle for action today with the understanding that there will be no amendments to it, or motions in relation thereto if it is agreeable to take it up and pass it today.

I thank the distinguished Senator for yielding.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

PROTECTION OF U.S. SHIPPING IN THE GULF

Mr. McCONNELL. Mr. President, on Friday, November 6, a U.S.-operated ship, the *Grand Wisdom*, was struck by rocket propelled grenades presumably fired by Iranians. Following that incident, I came to the Senate floor to call my colleagues' attention to a problem that I thought would only get worse. Now it has.

Mr. President, the problem is quite simple. The U.S. Navy only protects American-flagged vessels that transit the gulf. Ships that are controlled by American companies, but are not American flagged, are not protected.

As could be expected, the Iranians have figured out this loophole in the Navy's plans. Yesterday, they struck again. According to oil industry officials, the *Esso Freeport* was attacked by two Iranian boats which fired eight grenades. Fortunately, there were no injuries or damage done to the tanker. The *Esso Freeport* is owned by Exxon, an American company, but flies the Bahamian flag. Exxon pays American taxes and the *Freeport* is subject to requisition by the U.S. Government in time of emergency. Yet, the *Freeport* is not eligible for U.S. naval protection.

Mr. President, if there were hundreds of ships that fell into the category of effective U.S. control that were seeking protection, I might be sympathetic to the Defense Department's arguments that the task is too large and expensive. But, we are actually only talking about adding, at the most, three to five ships a week to the Navy's convoy schedule. I qualify my point by saying at most, because it is possible that some of these ships may prefer to take the risk of traveling the gulf alone rather than meet the Navy's timetable.

Moreover, I asked my staff to determine just how costly this additional burden of ships would be to the Defense Department. Staff was advised that the Defense Department has not evaluated costs on a per tanker per convoy basis. The Pentagon could only tell me that in the past it cost \$1 mil-

lion a day to operate in the gulf, and it now averages \$1.5 million.

What this tells me is cost is not the only issue to the Pentagon when crucial American interests are at stake. Mr. President, I couldn't agree more, however, I think American interests include American-controlled tankers as well as those flying the American flag.

As I mentioned last week, effective U.S.-controlled ships meet international safety standards, pay American taxes, and are subject to U.S. Government requisition in time of emergency. And, many of them actually bring crude oil to the United States. In fact, the *Esso Freeport* attacked yesterday was heading for Texas. Not one Kuwaiti reflagged tanker brings oil to the United States. I am a little puzzled by a policy that protects Kuwaiti reflagged vessels transporting oil and gas to Europe and the Far East while leaving American-owned and American-bound tankers vulnerable.

I would like to make one final point before I close. The reason American companies choose not to reflag American is cost. American flags mean American crews which can cost as much as \$4.5 million per ship a year. Compared with the \$700,100 to \$800,000 average for a foreign crew, I think the companies are making the cost-effective decision that keep gasoline prices within reason for my farmers and constituents.

Some of you might argue the issue is not cost to the oil companies but American maritime jobs. I would only point out that the Kuwaiti reflagged tankers currently being offered U.S. Naval protection are exempt from the requirement to have entirely American crews. While they have an American captain and radio operator, the crews are foreign. I should add that this exemption is perfectly legal. Maritime regulations only require American crews on American-flag vessels which dock in the United States. Since the Kuwaiti reflagged ships do not bring oil to the United States there is no need for them to have American crews.

Mr. President, last week I asked my colleagues whether current policy was drawing an arbitrary line of defense which essentially invited Iranian attack of American controlled shipping. Given the attacks on the *Grand Wisdom*—and the *Esso Freeport* I think the Iranians have given us their answer.

When we said we would only protect American flags on the high seas, the Iranian hit an oil platform within Kuwaiti territorial waters to test the limits for our interests and commitment. Now that Secretary Weinberger has said only American-flagged ships are eligible for protection, the Iranians are once again probing the limits

of our interests by striking at American-controlled ships.

Mr. President, I believe that the sphere of American interests includes effective U.S.-controlled ships. When news broadcasts show the Texas bound *Esso Freeport* under fire and the captain pleading for help, the American public can only think one thing: American interests are under fire.

I raised this concern with Secretary Weinberger when he appeared before the Senate Foreign Relations Committee in October. I discussed this matter again on the Senate floor last week. I will now bring the issue to the attention of Secretary-designate Carlucci in a letter that I will send today. I am hopeful that the Defense Department and the administration will reconsider their goals and plans for the gulf and reach the conclusion that all American ships deserve American protection.

Mr. President, I yield the floor.

WELCOMING THE AFGHAN RESISTANCE ALLIANCE

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from New Hampshire, Senator HUMPHREY.

Mr. HUMPHREY. Mr. President, I send a joint resolution to the desk and ask for its consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 221) welcoming the President Yunis Khalis and the delegation of the Islamic Unity of Afghanistan.

There being no objection, the Senate proceeded to the immediate consideration of the joint resolution.

Mr. HUMPHREY. Mr. President, I offer this joint resolution on behalf of Mr. PELL, Mr. DOLE, Mr. BYRD, Mr. MOYNIHAN, Mr. HELMS, and on my own behalf.

Mr. President, today I ask that the Senate pay tribute to the people of Afghanistan by warmly welcoming the president of the Afghan Resistance Alliance, Muhammad Yunis Khalis, and his associates, who are the leaders of several of the parties which make up the alliance.

Mr. President, this week we were visited here in Washington, both on the Hill and at the White House, by a delegation of Afghan freedom fighters. Just recently the Alliance of Afghan freedom fighters elected their very first president. The Alliance came into being 3 years ago. And until just recently their mode of leadership was the rotation of the chairmanship on a quarterly basis among the leaders of the seven parties which make up the Alliance of Afghan freedom fighters. Needless to say that mode of leadership left some things to be desired.

So this selection of the permanent president in the person of Yunis Khalis, one of the political leaders of the alliance, is a major step forward for the Afghan freedom fighters in their effort to oust the Soviets from their homeland.

For 8 years now the Afghans have been fighting courageously and at very great cost to win back Afghanistan for the Afghan people, to oust the Soviet occupier. This struggle has been waged at very great human costs indeed. Something very close to or perhaps exceeding 1 million Afghans have perished in this struggle against the Soviet Army—1 million combatants and noncombatants alike, mostly the latter, men, women, and children alike, and young and old alike. Indeed children are a special target incredibly of the Soviet Army which has designed mines in the form of toys, in the shape of toys, the appearance of toys, which are strewn around and sown by Soviet forces and by their puppet agents, the agents of the puppet government in Afghanistan, toys which blow off children's hands when picked up, blow up and disfigure horribly their faces, and blinding them. It has been a terrible struggle.

Yet the Afghans fight on against incredible odds. And they are winning slowly but surely. This struggle has more than a military element. Of course it has a political element as well. That is why it is important that the alliance selected at long last a president. That is a major step forward in the political realm. The purpose of the resolution is to congratulate the alliance upon the selection of its first president and to welcome the President Yunis Khalis and his associates, the political leaders of the alliance to Washington. They are departing today.

For almost 8 years, the Mujahideen have courageously fought back against the brutal occupation of Afghanistan by the Soviet Army. Theirs is a fight not only for their own freedom, but a fight for the concept of freedom everywhere. They must not fail. The Soviets must not be permitted to succeed in forcefully dragging her neighbors into the Soviet empire. Justice is at stake in Afghanistan. And great geopolitical consequences likewise are at stake.

That is why the meeting at the White House last week between President Reagan and President Khalis and his party was so important. It is vital the United States do all it reasonably can to help the Afghan cause. Part of what we can do is political. The President's meeting helped in a political sense, because it raised the visibility and credibility of the alliance, and because it highlighted the significance of the selection by the Afghan alliance of its first president. Prior to that, a chairmanship was rotated quarterly

among the heads of the political parties.

In recognition of the important step forward of selecting a president, I offer this joint resolution reaffirming our support for the Afghan Resistance Alliance as the representatives of the Afghan people in their struggle for freedom, and welcoming the delegation of the Islamic unity of Afghan Mujahideen led by President Mohammad Yunis Khalis.

Mr. President, last week, the United Nations voted overwhelmingly for the immediate withdrawal of all Soviet troops from Afghanistan. With the largest margin ever, 123 members of the General Assembly called for the complete withdrawal of all foreign troops from Afghanistan. Tragically, since the people of Afghanistan have no voice at the United Nations, one of the votes against the United Nations resolution was cast by the Soviet PDPA puppet regime that occupies the seat of Afghanistan.

That seat, Mr. President, should be occupied by the very people that we are honoring with this resolution—the Afghan Resistance Alliance. That is not just my view. Last year, in an important editorial, the New York Times called for the seating of the alliance at the United Nations. Their editorial of November 19, 1986, stated:

There's a powerful case in logic, justice and precedent for seating the Afghan resistance. The editorial went on to state: "Although Kabul controls the cities, the insurgents rule most of the countryside. And no less important, despite lopsided United Nations votes condemning the invasion, the Soviet Union still refuses to fix a reasonable timetable on withdrawing its troops. . . . an appropriate way to hold Kabul accountable for its crimes is to award Afghanistan's United Nations seat to the legitimate resistance claimants. The prospect of a vote on that may powerfully concentrate Soviet attention on ending a barbarous occupation."

Mr. President, the Kabul puppet regime that occupies the Afghan seat at the United Nations, is guilty of nothing less than the cooperation with the Soviet Army in the genocide of the Afghan people. A United Nations Report on Human Rights in Afghanistan, issued in February 1986, described the situation in Afghanistan as: "approaching genocide." Last month, the Congressional Task Force on Afghanistan held a hearing focusing on human rights in Afghanistan, in light of the so-called policy of national reconciliation. The conclusion of all of our witnesses was that the situation of human rights continues to deteriorate. One of the witnesses, Mr. Charles Norchi and a team of five international lawyers spent the past 14 months thoroughly researching the human rights situation in Afghanistan and interviewing victims of the PDPA regime. Their compelling report—due to be released in its entirety tomorrow—concludes that:

In the view of the independent counsel on international human rights, there is considerable evidence that genocide has been committed against the Afghan people by the combined forces of the DRA and the Soviet Union.

Mr. President, more than 1 million people have died as a result of Soviet atrocities in Afghanistan. That figure, if applied to the population of the United States, would equal 16 million dead Americans. One-third of the Afghan people have been driven into exile. Again, if applied to the American population, there would be 80 million Americans in exile.

Despite the overwhelming cost to the people of Afghanistan, the Afghan resistance continues its courageous struggle. In May 1985, the Afghan resistance took an historic step by forming the Islamic Unity of Afghan Mujahideen, representing a unified coalition of the major Afghan organizations dedicated to ending the Soviet occupation. Since that time, the alliance has made significant progress.

Last month, for the first time in the history of the alliance, the seven leaders selected Mohammad Yunis Khalis as President of the resistance alliance. President Khalis met at the White House with President Reagan last Thursday.

President Reagan paid tribute to the recent selection and the increased unity by stating:

This new political milestone demonstrates that the people of Afghanistan speak with one voice in their opposition to the Soviet invasion and occupation of their homeland. This increasing unity has already made itself felt on the battlefield. During the past 18 months, the Mujahideen fighting inside the country have improved their weapons, tactics, and coordination, the result has been a string of serious defeats for the Soviet elite units as well as many divisions from the Kabul army.

Mr. President, when the leaders of the alliance met with the President in 1986, they pressed for formal recognition by the U.S. Government. At that time, their request was rebuffed as being "premature." However, a statement released by the White House the following day outlined several criteria that needed to be met for formal recognition. The statement, as reported in the New York Times of June 18, 1987, called for: greater cooperation among the alliance, greater control over Afghan territory, greater international visibility, and a greater effort at the United Nations and at the Islamic conferences to "cultivate nonaligned nations that might be sympathetic to their cause."

Mr. President, what is this administration waiting for? In the absence of formally recognizing the alliance, the United States continues to maintain an embassy in Soviet-controlled Kabul, and the genocidal Kabul regime maintains an embassy here in Washington! We are long overdue in

according formal recognition to the Afghan Resistance Alliance—and I call, once again, upon this administration to formally recognize the Afghan Resistance Alliance.

Mr. President, this is an important resolution. It honors the Afghan Alliance, and rightly credits them for the remarkable progress they have made in recent years. I ask my colleagues to support it.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 221) with its preamble, reads as follows:

S.J. Res. 221

Whereas more than one hundred and twenty thousand Soviet troops are presently waging war against the Afghan people;

Whereas the United Nations General Assembly by increasing majorities has in nine annual resolutions called for the "immediate withdrawal of foreign troops from Afghanistan";

Whereas Public Law 99-399, expresses the sense of Congress that the United States should support the efforts of the people of Afghanistan to regain the sovereignty of their nation through: "vigorous efforts to impress upon the Soviet leadership the penalty that continued military action in Afghanistan imposes upon the building of a long-term constructive relationship with the United States";

Whereas the Afghan Resistance continues to control more than seventy-five percent of the territory of Afghanistan, despite more than seven years of brutal warfare by the Soviet Union;

Whereas on May 16, 1985, the Afghan Resistance took an historic step by forming the Islamic unity of Afghan Mujahideen, representing a unified coalition of the major Afghan organizations dedicated to ending the Soviet occupation;

Whereas Public Law 99-354, welcomed to the United States the Afghan Resistance Alliance on the occasion of their first official visit and reaffirmed the support of the United States for the valiant struggle of the Afghan people;

Whereas Alliance plans, as enunciated in their January 17, 1987, proclamation to set up an interim government under which free elections are to be held, are welcome steps toward achieving Afghan self-determination and unity among the members of the Alliance;

Whereas in a proclamation marking Afghanistan Day 1987, the President stated: "On the political front, the Resistance Alliance has grown more cohesive and more effective. One major step in this direction occurred January 17, when the seven Alliance leaders put forward their own comprehensive plan for a free Afghanistan";

Whereas the President also noted on Afghanistan Day 1987 that "The Alliance has also become the focal point for the distribution of social services and humanitarian resources inside the country, thereby helping to stem the outflow of refugees and laying the basis for reestablishing a free Afghanistan";

Whereas the presence at the United Nations of the Afghan Resistance Alliance for the third consecutive year, and visits by Alliance representatives at capitals around the world represent substantially increased international visibility for the Afghan Resistance Alliance;

Whereas in October 1987 Mohammad Yunis Khalis, in the first such selection in the history of the Alliance, was selected by the Alliance as President of the Afghan Resistance Alliance;

Whereas during the week of November 12, 1987, the President of the Alliance travel to Washington on behalf of the Afghan people to meet with the President, Congressional leaders, and senior American officials: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the United States—

(1) Reaffirms its support for the Afghan Resistance Alliance as the representatives of the Afghan people in their struggle for freedom; and

(2) Welcomes the delegation of the Islamic Unity of Afghan Mujahideen led by President Mohammad Yunis Khalis.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the joint resolution was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE CONFEREES—ACT TO AMEND THE AIRPORT AND AIRWAY IMPROVEMENT ACT OF 1982

The ACTING PRESIDENT pro tempore. Pursuant to prior authority of the Senate to appoint conferees to the conference on the bill (H.R. 2310) entitled "An Act to amend the Airport and Airway Improvement Act of 1982 for the purpose of extending the authorization of appropriations for airport and airway improvements, and for other purposes," the Chair appoints the following conferees on the part of the Senate; which the clerk will report.

The legislative clerk read as follow:

From the Committee on Commerce, Science, and Transportation: Senators HOLLINGS, FORD, EXON, DANFORTH, KASSEBAUM.

From the Committee on Finance, solely for the consideration of title II, entitled the "Airport and Airway Revenue Act of 1987": Senators BENTSEN, MATSUNAGA, and PACKWOOD.

BICENTENNIAL MINUTE

NOVEMBER 17, 1954: OLD SENATE GAVEL REPLACED

Mr. DOLE. Mr. President, 33 years ago today, on November 17, 1954, one of the Senate's oldest relics was retired and replaced with a new artifact that continues in use today. I refer to the Senate gavel.

The old ivory gavel was one of the most revered articles in this Chamber. According to tradition, it was the same small, handleless piece of ivory with which the Nation's first Vice Presi-

dent, John Adams, called to order the first Senate session in New York City in the spring of 1789.

In 1947, the old gavel began to splinter. Silver disks were added to each face to try to preserve it, but during a late night session in 1954, while the Senate was engaged in a heated discussion on atomic energy, the yellowed ivory began to disintegrate. The old gavel had made its last demand for order. When no commercial source of ivory for a new gavel could be found in the United States, the sergeant at arms turned to the Indian Embassy for assistance. The Government of India not only furnished a piece of ivory but had a new gavel carved from a model of the old one. The Vice President of India even came to the United States to present it in person to the Senate.

On November 17, 1954, the formal presentation was made in this Chamber. Vice President Richard Nixon accepted the gift on behalf of the Senate, and promised, "We shall place the old gavel in a box which will be kept on the Senate rostrum, while the Senate is in session. We shall use in its place the gavel of solid ivory, which has been presented to us, it seems to me quite significantly and appropriately, by the largest democracy in the world." And that is just what was done. Before each Senate session, a page secures from the sergeant at arms the gavel case, which contains both gavels, carries it into the Chamber, and places it on the rostrum. At the close of the session, the new gavel is returned to its place beside the old, and entrusted to the sergeant at arms for safe keeping.

50TH ANNIVERSARY BOYS HARBOR, INC.

Mr. PELL. Mr. President, 50 years ago a young man with a dream found a way to take a group of poor youths out of the streets of the Lower East Side of New York and expose them to the beauty of the country, the promise of a better life and the possibilities within them.

The young man was Tony Duke, a youthful idealist who was too young at the time to sign the rent papers for the old hunting lodge they used on that first trip. His dream, however, has continued to grow and prosper.

Boys Harbor today, is the result of decades of work by many active, committed, caring people, but we should all remember that it started as a young man's dream.

I am confident that I speak for all who know him, when I express our thanks to Tony Duke for his vision and for the 50 years of good work done by him and his Boys Harbor.

The Boys Harbor Camp in East Hampton has become a model for simi-

lar programs throughout the country and the center in Harlem has provided education and training for its boys and girls that schools often fail to do.

The results have been remarkable as thousands of young men and women have been strengthened and motivated by their experiences at Boys Harbor. Many have gone on to succeed at Harvard, Cornell, Georgetown, MIT, Yale, Duke, and other leading universities.

This year, I am happy to say, Boys Harbor, Inc. is celebrating its 50th anniversary. Almost 25,000 alumni, including nearly 7,000 women, have been touched and their lives have been enriched by Tony Duke's vision.

I well remember being fortunate enough to be a counselor in one of the early years of Boys Harbor and seeing there the precursor of Outward Bound, Gordonstoun and the various schools that were set up in the years to come that focused on developing the qualities of character, integrity, intelligence, leadership and physical stamina. Kurk Hahn, the great educator and founder of Gordonstoun, and Tony Duke, while not knowing each other, had the same idea in developing youngsters.

According, it is with the greatest of pleasure that I wish Happy 50th Birthday to Boys Harbor and its successful leader, Tony Duke.

BENJAMIN CHARNY

Mr. GLENN. Mr. President, there have been many interesting developments in the Soviet Union during recent months. The new leadership of that country has been credited with possessing a willingness to consider positive change in their society. There is one area, however, in which change has been painfully slow, and that is in the area of Jewish emigration.

The Soviet record on emigration remains unacceptable. Thousands of Jews have applied for exit visas only to be refused with little or no explanation. Increasingly Soviet authorities have denied immigration petitions claiming that state secrecy would be compromised by honoring certain individuals' rights to emigrate. Adding to the problem, Soviet authorities regularly deny emigration applications to persons who are merely related to an individual who may have had access to sensitive materials.

One such case in which Soviet authorities have used the "state secrecy" excuse is that of Dr. Benjamin Charny, the Soviet mathematician. During the 1960's Dr. Charny was involved in some of the early computer work in support of the Soviet space program. Since 1979, the Soviets have repeatedly cited that work when denying his numerous emigration requests. I do not find this a credible explanation. My own experience with our country's space program tells me that

very little technology remains sensitive for 20 years. Furthermore Dr. Charny's work has been published in the open scientific press and several of his research colleagues have been permitted to emigrate.

It is an unfortunate fact that many Soviet Jews continue to be denied their right to emigrate, however, Dr. Charny's situation is particularly tragic because he suffers from both heart disease and cancer. His only hope rests with medical treatment available in the West, a fact which is known to Soviet authorities but about which they appear to have little concern.

Dr. Charny and thousands of other Soviet Jews continue to seek to exercise their right to emigrate. The Helsinki final act, an international human rights document to which the Soviet Union is a signatory, declares that emigration is a fundamental human right. Yet the Soviet leadership continues to ignore its obligations under this agreement and to deny the emigration rights of its people. I find this unconscionable.

In this critical pre-summit period I urge the Soviets to demonstrate a genuine recognition of their people's fundamental human rights, including the right to emigrate. An excellent place to start would be to expeditiously reconsider and approve Benjamin Charny's emigration petition.

SOCIAL SECURITY SHOULD NOT BE CUT

Mr. RIEGLE. Mr. President, I rise to restate my firm conviction that Social Security should be off limits during negotiations over deficit reduction. The latest proposal under discussion by some of the negotiators at the budget summit is to delay for 3 months, in effect to cut, the coming year's cost of living increase [COLA]. Mr. President, this in my view an entirely unacceptable means of addressing the real and pressing need to achieve deficit reduction.

It is not proper to reduce the deficit the expense of our 37 million Social Security beneficiaries because Social Security is not part of the deficit problem. It is accounted for in separate trust funds and is prohibited from running a deficit. If there are insufficient funds in the Social Security trust funds, we don't increase the deficit, we stop the benefit checks. To prevent this from happening, we reached an historic agreement in 1983, putting Social Security back on a sound financial footing—in fact, as a result of that critical action in 1983, Social Security, according to the latest report of the actuaries, is financially sound for the next 75 years, which is as far out as they looked.

Mr. President, in fact, Social Security is in surplus. In order to fund the

huge demand on the Social Security system that will result when millions of "baby-boomers" reach retirement age around the turn of the century, the trust funds are currently building up massive surpluses. Under the Gramm-Rudman law, these surpluses are already helping us meet our deficit reduction target, for the Gramm-Rudman law counts part of this surplus in order to meet our deficit reduction targets and to avoid a sequester. Those amounts that count toward deficit reduction are \$19 billion in fiscal year 1987, \$38 billion in 1988, \$44 billion in 1989, \$54 billion in 1990, \$63 billion in 1991, and \$69 billion in 1992, for a total 6-year deficit reduction of \$287 billion.

The surplus in Social Security under today's bookkeeping system established by Gramm-Rudman can, in effect, be used to hide spending in other parts of the Government. The more that Social Security benefits might be cut in order to increase the surplus in the Social Security trust fund, the more that would allow the Government to do other spending in totally unrelated areas of the Government.

That is why the President was exactly right on October 22, when he said Social Security should not be on the table in these negotiations over the deficit. I applaud the President for having said that, because Social Security is not part of the deficit problem.

Another reason why considering Social Security cuts at this time would be bad policy is that seniors are already going to be hit with the largest increase in Medicare premiums in history—taken right out of their Social Security check. In January 1988, just 6 weeks away, seniors will see their Medicare premiums increase 38.5 percent—increasing from the current \$17.90 per month to \$24.80 per month. That doesn't even include the increase resulting from the catastrophic health care bill, which just passed the Senate, of another \$4 per month. Since we are asking Social Security beneficiaries to pay an additional \$10.90 in Medicare premiums, the average retiree will already have his COLA for next year effectively cut in half.

Seniors and Social Security beneficiaries have already made their contribution toward deficit reduction. The Social Security system has already been subject to significant budget cuts in the 1980's. In 1981, budgetary pressures led to the reduction or elimination of various categories of benefits. Again in 1983, when persistent financing problems made clear that changes were necessary to keep Social Security on an even financial keel, even more significant reductions were enacted. This rescue package, in the following 7 years, was projected to improve the funding of the system by \$165 billion.

As much as one-third of this \$165 billion is attributable to benefit cuts, much of which resulted from a delay of the 1983 COLA.

Mr. President, seniors have also given up a great deal over the past 7 years in the name of deficit reductions through deep cuts in the Medicare Program. Dramatic cuts in Medicare have sent out-of-pocket health costs skyrocketing. No other Federal Government program has been cut more deeply over the past 6 years than Medicare. Provisions for cuts in the Medicare Program have been included in every budget reconciliation bill since 1981.

The Congressional Budget Office [CBO] estimated that legislative changes enacted from January 1981 through July 1983, reduced Medicare outlays over what would otherwise have been expended over the fiscal year 1982-fiscal year 1985 period by \$13.2 billion or 5 percent of program outlays. CBO later estimated that Medicare Program outlays have been reduced by \$8.6 billion in fiscal year 1986, \$10.5 billion in fiscal year 1987, and \$12.5 billion in 1988.

Mr. President, it is important to look at the effect that a reduction in Social Security would have on beneficiaries. According to recent independent research commissioned by the American Association of Retired Persons [AARP], 331,000 Social Security beneficiaries—including seniors, children, disabled, and widows—would be pushed below the poverty line if this year's COLA were to be eliminated next year. 272,500 would be those over 62 years of age. Even if we were to provide a partial COLA of 2.1 percent, still hundreds of thousands of beneficiaries, including 126,000 seniors would be pushed below poverty.

Mr. President, it is critical in maintaining public confidence in the Social Security system that the Social Security trust funds not be tampered with in any way, shape, or form. Those surpluses I talked about have to go in now and earn interest over the years so that the money is there in the future to pay the claims of those who are now working but who will retire in the future.

In fact, starting in January 1988, workers will see their Social Security tax rate increase from the current 7.15 to 7.51 percent. To increase taxes on workers while cutting benefits to seniors can only further erode confidence young people have in Social Security being there when they retire. On top of the tax increase, already in law scheduled to take place, the Senate Finance Committee lifted the income cap on the Medicare payroll tax—again taking more from workers while eroding the benefits to seniors.

Mr. President, as part of the Gramm-Rudman law we took Social Security out of the unified Federal

budget immediately, 8 years ahead of schedule. We did that for all of the reasons I mentioned earlier:

Social Security is self-financing, it has dedicated trust funds, it cannot run a deficit, it is actually reducing the deficit.

But we did even more in Gramm-Rudman than simply take it off budget—we made it illegal to use the budget process to tamper with the Social Security System. The Budget Act now states that any budget reconciliation bill or resolution that contains changes in Social Security benefits is subject to a point of order. That means we would actually be violating our own rules if we included cuts in Social Security as part of the budget agreement.

In addition, although cutting Social Security benefits will affect the calculation of our deficit targets under Gramm-Rudman, it will have no impact on our national debt, a much more meaningful measure of the Federal Government's financial health. Cutting Social Security benefits simply increases the excess in the Social Security trust funds which the general fund must borrow to meet other obligations. This borrowing, although internal to the Government, is still counted against the national debt, and is still calculated as Government borrowing. So cutting Social Security benefits and thereby increasing trust fund surpluses will not reduce the national debt as would deficit reduction in other Government programs.

Mr. President, I strongly support the effort to reach a budget compromise to reduce the deficit and send a strong positive message to the financial markets. However, cuts in Social Security do not have to be and should not be part of that agreement.

Social Security trust funds ought to be kept separate and apart. I believe the work force is entitled to know that their money is going into a fund that is being used only for Social Security and is not being diverted through a bookkeeping device or anything else to help finance or hide the costs of other parts of the Government. An arbitrary scaling back of Social Security is not in any direct, honest fashion helping us financially confront the Federal budget deficit nor containing Government borrowing.

There are many other straightforward means of achieving real deficit reduction without resorting to what amounts to a raid on the Social Security System. With a combination of spending cuts in the budget itself, and some combination of revenues, I think we can get a package that will do the job.

Mr. President, let us leave Social Security alone. It did not cause the deficit problem and cannot solve it. And it should not be asked to solve it.

THE CONTRIBUTION OF EMIL WEITZEL TO UNITED STATES-LUXEMBOURG FRIENDSHIP

Mr. PELL. Mr. President, I am very pleased today to pay tribute to the contribution of Mr. Emil Weitzel, an esteemed citizen of Luxembourg, for his long and valuable service to the cause of sound and cordial relations between that nation and our own.

The American Luxembourg Society was founded in 1882 as an institutional bridge facilitating friendship between the two nations, and 5 years ago held its centennial celebration under the patronage of His Royal Highness the Grand-Duke Jean of Luxembourg. Through the Society's first 67 years—until 1949—Luxembourg and the United States were friends, but in that year, with the founding of the Atlantic Alliance, the two nations became formal allies. It was also in that year that Emil Weitzel began his sustained and remarkable role as an agent of understanding between the newly allied nations.

From 1949 until 1969, Emil Weitzel served as secretary general of the American Luxembourg Society; from 1969 until 1976 as vice president; and from 1977 until 1984 as president. Since then, Emil Weitzel has served as the society's honorary president, a role he continues to perform with energy and relish.

Today, the American Luxembourg Society counts 867 Luxembourgish members. This means that, in a population of some 272,000 Luxembourgers, there is roughly one member of the American Luxembourg Society for each 300 citizens—an astonishing level of participation for which Emil Weitzel's efforts must be accorded ample credit.

Although Emil Weitzel has now delivered the leadership of the American Luxembourg Society into the hands of younger countrymen, his contribution and dedication will be remembered with gratitude on this side of the Atlantic and will, I trust, continue to be reflected in the efforts of both Americans and Luxembourgers to maintain the bonds of friendship that Emil Weitzel so admirably helped to build.

THE ANNIVERSARY OF THE ANGLO-IRISH AGREEMENT

Mr. BIDEN. Mr. President, this past Sunday, November 15, marked the second anniversary of the Anglo-Irish Agreement, a treaty between the United Kingdom and the Republic of Ireland which gives the Dublin government a consultative role in the daily affairs of Northern Ireland.

The Anglo-Irish Agreement is perhaps the most significant development in the affairs of Northern Ireland since its creation in 1920. When the accord was signed 2 years ago by Mar-

garet Thatcher and Garret FitzGerald, many skeptics doubted that it would last 2 months, let alone 2 years. Such skepticism was not unfounded, as many previous attempts to resolve the troubles in Northern Ireland through peaceful means had met with failure. Happily, though, the skeptics have been proven wrong, and the accord remains in force today.

Understandably, the road during the past 2 years has been a bumpy one. Memories in Northern Ireland are too long and distrust runs too deep to expect that the path to peace will be a smooth one. And, regretfully, the mindless violence has not subsided. But progress has been made, and to quote a voice from a generation ago, the winds of change are beginning to blow across the province.

One clear sign of this change came in the June 1987 general election, when the voters of the north rejected those opposed to the treaty. Parties of both traditions which had based their platforms on opposition to the accord lost ground to the voices of harmony. It was a significant turning point, and signaled that the northern electorate has tired of politicians who refuse to entertain notions of reconciliation.

In addition, increasing attention has been paid to the lack of equality of opportunity, a very real problem in a region where the unemployment rate for Catholics is more than twice that of Protestants. The British Government's Standing Advisory Commission on Human Rights recently issued a report calling for employers to monitor the religious affiliation of its work force and to promote affirmative action where feasible. The commission also urged the government to strengthen the current regulating body, which now lacks the teeth to enforce the laws on the books. While it remains to be seen whether these recommendations will be implemented, I am hopeful that this report is an indication of things to come.

Progress has also been made on improved cooperation between the security forces of the north and south, making life more difficult for terrorists operating across the border. Furthermore, a new code of regulations has been issued to the Royal Ulster Constabulary [RUC], the Northern Ireland police forces. Anyone familiar with the troubles in the north is well aware that the Protestant-dominated RUC has not always been eager about discharging its duties evenhandedly and with equal respect for the two traditions.

Unfortunately, many in the north continue to belittle the accord and dismiss it as another failed attempt to solve an impossible problem. Admittedly, the pace of change has been slow. And unresolved questions, such as the failure to reform the Diplock courts (the non-jury, one judge courts

which try terrorist cases) are disappointing and have lowered expectations about the long-term future of the agreement.

However, I remain hopeful that the Anglo-Irish accord is here to stay. It is no small achievement that the agreement has lasted this long in the face of continued intransigence on the part of unionist and nationalist extremists. The Dublin and London governments should be commended for pressing on in the face of this resistance. I applaud them for their achievements thus far, and strongly urge them to continue to work within this framework.

Mr. President, no one believes that a solution to the Irish problem is imminent. Indeed, the recent IRA bombing in Enniskillen which claimed 11 lives, and the subsequent shooting of five Catholic youths in Belfast, should remind us of the obstacles blocking a solution to the centuries-old conflict. However, I continue to believe that the Anglo-Irish Agreements signed 2 years ago remains the best hope for peace and reconciliation for Northern Ireland in generations. It provides a crucial framework for resolving the Irish question. To allow the treaty to lapse would represent a severe setback to the prospects of peace, and reinforce the timeworn ideologies of the extremists. We must not let that happen.

THE GREAT AMERICAN SMOKEOUT

Mr. PELL. Mr. President, on November 19, 1987, the 11th annual Great American Smokeout will begin under the sponsorship of the American Cancer Society. The smokeout is a positive effort to educate Americans of all ages about the perils of smoking. The goal of the 1987 smokeout is for at least 1 in every 5 smokers to give up smoking for at least 24 hours.

This year the American Cancer Society has joined hands with a Rhode Island manufacturer, Hasbro, Inc., of Pawtucket, to use children's toys as a means of educating younger children. To help drive home the message of the smokeout, Hasbro and its Playskool Division have undertaken to modify the image of "Mr. Potato Head", a popular children's learning toy for more than 35 years.

Today, "Mr. Potato Head", portrayed in life size by a costumed actor, met with Surgeon General C. Everett Koop to surrender the pipe with which he has been associated since 1952. Hasbro has announced that the pipe will no longer be produced and will disappear from store shelves as current stocks run down. Symbolically, the message to children across the land is that smoking is not a necessary aspect of adult life.

On Thursday, "Mr. Potato Head" is scheduled to receive an award from the Kennedy School of Government/Institute on Smoking Policy and Behavior in Boston. He will cap his smokeout activities in Providence where Mayor Joseph Paolino will present him with the key to the city.

I am particularly impressed with the fact that the American Cancer Society emphasizes education as the path to modifying and indeed ending smoking behavior. As chairman of the Senate Subcommittee on Education, Arts and Humanities, I applaud the American Cancer Society for its recognition of the role which education can play in making the public aware of the danger of smoking.

Mr. President, I commend Hasbro, Inc., and Playskool for their contribution to this educational effort and I urge all Americans to join in a positive response to the American Cancer Society's Great American Smokeout for 1987.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

PROPOSED AMENDMENTS TO GOVERNING INTERNATIONAL FISHERIES AGREEMENT BETWEEN THE UNITED STATES AND JAPAN—MESSAGE FROM THE PRESIDENT—PM 87

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to Public Law 94-265, was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (MFCMA), as amended, (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith a Governing International Fishery Agreement (GIFA) consisting of an Agreement Amending the Agreement Between the Government of the

United States of America and the Government of Japan Concerning Fisheries Off the Coasts of the United States of America of September 10, 1982 (the "Agreement"), signed at Washington on November 10, 1987. This Agreement amends to conform to U.S. law and extends for the period of two years from December 31, 1987, until December 31, 1989, the existing GIFA with Japan. The exchange of an Agreement, together with the present GIFA, constitutes a GIFA within the requirements of Section 201(c) of the Act.

This GIFA is one of a series negotiated in accordance with the MFCMA since 1976. The amendment and extension of the GIFA would ensure the continuation of mutually beneficial joint ventures between the U.S. and Japanese fishing industries in the U.S. exclusive economic zone. Unless the GIFA is extended, these operations will cease, causing significant financial hardship to U.S. fishermen.

I recommend that the Congress give favorable consideration to this Agreement at an early date, so that it can enter into force before the present GIFA expires on December 31.

RONALD REAGAN.

THE WHITE HOUSE, November 17, 1987.

STIKINE RIVER REGION ACCESS STUDY—MESSAGE FROM THE PRESIDENT—PM 88

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

Pursuant to the provisions of section 1113 of the Alaska National Interest Lands Conservation Act (P.L. 96-487; 16 U.S.C. 3173), I herewith transmit the Stikine River Region Access Study. The study was conducted through the Alaska Land Use Council with the Forest Service and the State of Alaska, Department of Transportation and Public Facilities as co-chairs.

The study was done in consultation with the Government of Canada through the U.S. Department of State.

RONALD REAGAN.

THE WHITE HOUSE, November 17, 1987.

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following joint resolutions:

On November 12, 1987:

S.J. Res. 154. Joint resolution to designate the period commencing on November 15, 1987, and ending on November 22, 1987, as "National Arts Week."

On November 13, 1987:

S.J. Res. 66. Joint resolution to designate the week of November 22, 1987, through November 28, 1987, as "National Family Week."

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on November 16, 1987, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolution, without amendment:

S.J. Res. 220. Joint resolution to provide for the extension of certain programs relating to housing and community development, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 247. An act to designate the Kern River as a national wild and scenic river;

S.J. Res. 53. Joint resolution to designate the period commencing November 22, 1987, and ending November 28, 1987, as "American Indian Week";

S.J. Res. 97. Joint resolution to designate the week beginning November 22, 1987, as "National Adoption Week";

S.J. Res. 174. Joint resolution designating the week beginning November 15, 1987, as "African American Heritage Week"; and

S.J. Res. 220. Joint resolution to provide for the extension of certain programs relating to housing and community development, and for other purposes.

Under the authority of the order of the Senate of February 3, 1987, the enrolled bill and joint resolutions were signed on November 16, 1987, during the recess of the Senate, by the President pro tempore [Mr. STENNIS].

MESSAGES FROM THE HOUSE

At 11:44 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2598. An Act entitled the "Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987"; and

H.R. 2639. An Act to repeal the Brown-Stevens Act concerning certain Indian tribes in the State of Nebraska.

At 5:43 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 98. Joint resolution to designate the week of November 29, 1987, through December 5, 1987, as "National Home Health Care Week".

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2672) to amend title 38, United States Code, for

the purpose of improving veterans' Housing programs; with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1900) to amend the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Family Violence Prevention and Services Act to extend through fiscal year 1991 the authorities established in such acts; it asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. HAWKINS, Mr. FORD of Michigan, Mr. OWENS of New York, Mr. WILLIAMS, Mr. JEFFORDS, and Mr. BARTLETT as managers of the conference on the part of the House.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3483) to amend title 18, United States Code, to improve certain provisions relating to imposition and collection of criminal fines, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1451) to amend the Older Americans Act of 1965 to authorize appropriations for the fiscal years 1988, 1989, 1990, and 1991; to amend the Native Americans Programs Act of 1974 to authorize appropriations for such fiscal years, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2112) to authorize appropriations for fiscal year 1988 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1822. An act to make certain amendments to the Sentencing Reform Act of 1984 and to improve certain provisions relating to imposition and collection of criminal fines, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2839. An act to correct historical and geographical oversights in the establish-

ment and development of the Utah component of the Confederated Tribes of the Goshute Reservation, to unify the land base of the Goshute Reservation, to simplify the boundaries of the Goshute Reservation, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2839. An act to correct historical and geographical oversights in the establishment and development of the Utah component of the Confederated Tribes of the Goshute Reservation, to unify the land base of the Goshute Reservation, to simplify the boundaries of the Goshute Reservation, and for other purposes; to the Select Committee on Indian Affairs.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on November 16, 1987, he had presented to the President of the United States the following enrolled bill and joint resolutions:

S. 247. An act to designate the Kern River as a national wild and scenic river;

S.J. Res. 53. Joint resolution to designate the period commencing November 22, 1987, and ending November 28, 1987, as "American Indian Week";

S.J. Res. 97. Joint resolution to designate the week beginning November 22, 1987, as "National Adoption Week";

S.J. Res. 174. Joint resolution designating the week beginning November 15, 1987, as "African American Heritage Week"; and

S.J. Res. 220. Joint resolution to provide for the extension of certain programs relating to housing and community development, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2141. A communication from the Secretary of the United States Senate, transmitting, pursuant to law, a report on the receipts and expenditures of the Senate from April 1, 1987 through September 30, 1987; ordered to lie on the table.

EC-2142. A communication from the President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report concerning the value of capital stock and retained earnings of the Bank; to the Committee on Banking, Housing, and Urban Affairs.

EC-2143. A communication from the Acting General Counsel, Department of Energy, transmitting, pursuant to law, notification of a meeting relative to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-2144. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, a report regarding the refunds of offshore lease revenues where a refund or recoupment is ap-

propriate; to the Committee on Energy and Natural Resources.

EC-2145. A communication from the Deputy Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, a report regarding the refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-2146. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, a report regarding the refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-2147. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, a report regarding the refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-2148. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, a report regarding the refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-2149. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a project negotiated under the Department of Energy's [DOE] Clean Coal Technology Demonstration Program entitled "UCG/Clean Fuels Proof-of-Concept Project"; to the Committee on Energy and Natural Resources.

EC-2150. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation approving the location of a memorial to honor the Black Revolutionary War Patriots; to the Committee on Energy and Natural Resources.

EC-2151. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation approving the location of a memorial to honor members of the Armed Forces of the United States who served in the Korean War; to the Committee on Energy and Natural Resources.

EC-2152. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on the National Water Quality Inventory for 1986; to the Committee on Energy and Natural Resources.

EC-2153. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on various aspects of the Superfund program and related issues; to the Committee on Environment and Public Works.

EC-2154. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Hazardous Waste Sites on Indian Lands"; to the Committee on Environment and Public Works.

EC-2155. A communication from the Acting General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation entitled "To amend the Tariff Act of 1930, and for other purposes; to the Committee on Finance.

EC-2156. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, a report regarding the activities of the NLRB concerning the implementation of the Gov-

ernment in Sunshine Act during the calendar year 1985; to the Committee on Governmental Affairs.

EC-2157. A communication from the Director, Office of Workers Compensation Programs, Department of Labor, transmitting, pursuant to law, notice of a proposed computer matching program; to the Committee on Governmental Affairs.

EC-2158. A communication from the Secretary of Health and Human Services, transmitting, a report entitled "Aids: A Public Health Challenge;" to the Committee on Labor and Human Resources.

EC-2159. A communication from the Secretary of Health and Human Services, transmitting, an Annotated Bibliography of Scientific Articles on Aids for Policymakers; to the Committee on Labor and Human Resources.

EC-2160. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the Nature and Effectiveness of the Federal, State, and Local Prevention/Education Programs; to the Committee on Labor and Human Resources.

EC-2161. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Identifying Individuals at Risk of Institutionalization;" to the Committee on Labor and Human Resources.

EC-2162. A communication from the Acting Chairman, United States Department of Education, transmitting, pursuant to law, a report on the progress of its mission and recommendations for a more effective program; to the Committee on Labor and Human Resources.

EC-2163. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "To amend health professions loan authorities;" to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 290. A resolution authorizing the printing of the report entitled "Highway Bridge Replacement and Rehabilitation Program, Eighth Annual Report to Congress" as a Senate document.

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 323. An original resolution to pay a gratuity to Kate Lee; Paula Ray; James Owens; Nayomie Flood; Janice Sullivan; Dorothy White; Charles Sullivan; Bobby Sullivan; Andre Sullivan; Johnny Sullivan; Billy Sullivan; Patricia Crawley.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEAHY:

S. 1869. A bill to amend the Agricultural Act of 1949 to protect the family dairy farm by establishing a regional dairy production stabilization program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PROXMIER:

S. 1870. A bill to provide for the use and distribution of funds awarded the Wisconsin Band of Potawatomi in docket 28 of the U.S. Claims Court; to the Select Committee on Indian Affairs.

By Mr. SPECTER:

S. 1871. A bill to amend the Public Health Service Act to require the Secretary of Health and Human Services to make grants for the establishment of pediatric acquired immunodeficiency resource centers; to the Committee on Labor and Human Resources.

By Mr. SPECTER:

S. 1872. A bill to amend the Public Health Service Act to provide for minority populations outreach, education, counseling, prevention, and research activities relating to acquired immunodeficiency syndrome, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LEVIN:

S. 1873. A bill for the relief of Miroslaw Adam Janinski; to the Committee on the Judiciary.

By Mr. HEINZ (for himself and Mr. HEFLIN):

S. 1874. A bill to amend title 38, United States Code, to redefine the term "former prisoner of war"; to the Committee on Veterans' Affairs.

By Mr. FOWLER:

S. 1875. A bill for the relief of Nisme Gonzalez; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself, Mr. CRANSTON, Mr. MURKOWSKI, Mr. ROCKEFELLER, and Mr. GRAHAM):

S. 1876. A bill to amend title 38, United States Code, to require the establishment of child care centers at Veterans' Administration facilities; to the Committee on Veterans' Affairs.

By Mr. BRADLEY (for himself, Mr. ROTH, Mr. CHAFEE, Mr. MCCAIN, Mr. PELL, Mr. LAUTENBERG, and Mr. STAFFORD):

S. 1877. A bill to restore balance among sources of supply for the Nation's sweetener needs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HUMPHREY (for himself, Mr. PELL, Mr. DOLE, and Mr. BYRD):

S.J. Res. 221. A joint resolution welcoming President Yunis Khals and the delegation of the Islamic Unity of Afghan; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD, from the Committee on Rules and Administration:

S. Res. 323. An original resolution to pay a gratuity to Kate Lee, Paula Ray, James Owens, Nayomie Flood, Janice Sullivan, Dorothy White, Charles Sullivan, Bobby Sullivan, Andre Sullivan, Johnny Sullivan, Billy Sullivan, and Patricia Crawley; placed on the calendar.

By Mr. BYRD (for himself and Mr. DOLE):

S. Res. 324. A resolution to authorize release or a document by the Committee on Foreign Relations; considered and agreed to.

By Mr. HEINZ (for himself, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. COHEN, Mr. DOLE, Mr. DURENBERGER, Mr. LAUTENBERG, Mr. LEVIN, Mr. MOYNIHAN, Mr. PELL, Mr. SARBANES, and Mr. SPECTER):

S. Con. Res. 90. A concurrent resolution welcoming Vladimir and Maria Slepak to the United States; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 1869. A bill to amend the Agricultural Act of 1949 to protect the family dairy farm by establishing a regional dairy production stabilization program, and for other purposes; referred to the Committee on Agriculture, Nutrition, and Forestry.

DAIRY FARM PROTECTION ACT

Mr. LEAHY. Mr. President, it is not often that a legislator can point to a policy which worked exactly as intended. But there is good news in agriculture. The dairy provision of the 1985 farm bill has worked, and worked well.

Production is down, demand is up, surplus stocks are slashed and the cost of this program for the American taxpayer has been cut in half. All of the dairy industry can be proud of this record.

Through the use of the whole herd buy out, the dairy program is under control. As chairman of the Senate Agriculture Committee, and I want to keep it there.

But, like an irrepressible force, dairy production is coming back. But, not everywhere.

For most of our States, milk production this year has either been down or flat. But a few States are distorting the whole program because they are dramatically increasing their production.

California, for example, increased its production by 12 percent in the month of September. This figure is notable because California's high participation in the whole herd buy out should have resulted in a 10-percent cut in production, not a 12-percent increase.

These high growth areas are, as I said before, distorting the operation of the farm bill and I believe we need a new direction in dairy policy if we are to preserve the family dairy farm in the rural America.

The challenges ahead of us cannot be ignored:

We have to hold down the cost of the dairy program.

We want to protect family dairy farming across this country.

We want a program that is fair.

Here is the problem facing the dairy industry now. Under the farm bill, the Government is committed to buying 5 billion pounds of milk product. In addition to its price support role, this purchase is a type of "national milk security reserve" to meet the needs of our school lunch and other nutrition programs.

If the Government buys more than 5 billion pounds of milk products, the Secretary of Agriculture must lower

the price support level by 50 cents a year.

This 5 billion pound trigger for the price cut was intended to send a signal to the dairy industry to hold down production. But the signal is not getting through everywhere.

I hear from my own farmers in Vermont a great sense of frustration.

They know their own production is stable, yet they are facing price cuts over the next 2 years, which would mean \$9.60 milk in a couple of years. But why? Our New England dairymen are not wildly expanding. In fact, New England actually is short of milk.

Why are they facing price cuts? Because a dairyman, in some other part of the country, is expanding. Our Vermont dairymen cannot control his decision. They can only suffer the consequences.

This is not fair, and I want to do something about it.

Every dairy farmer in Vermont wants to help reduce the budget deficit. Everybody wants to make sure that we are all treated fairly. Our Vermont dairy farmers have done what the Congress has asked them to do: They have limited their production; they have brought it into line with demand. Yet, they are suffering the consequences because dairy farmers in other parts of the country have not done what Vermont farmers have done. Dairy farmers in other parts of the country have not brought production in line with demand.

So, today I am offering the "Dairy Farm Protection Act" and that is what this bill is all about. Without some new approach in dairy, given the trends over the past 2 years, many of our smaller dairy farmers are going to be driven out of business.

Here is an outline of this proposal.

The basic structure and trigger under the farm bill will remain intact. The Government will continue to buy 5 billion pounds of product as part of the price support program. But instead of using continuing price outs to keep government costs in line, I want to move in a new direction.

We need more local control over dairy policy, so I am proposing that we divide the Nation into basic dairy regions. Each region would have a board and each region would have a CCC base. That is, each region would be assigned an amount of allowable CCC sales, based on the average of what that region sold to the government over the past 2 years.

If the region does not increase its sales to the Government, the price support would be frozen and nothing would change. However, if the region sold more to the Government next year, then the producers would have to pay an assessment on the increase.

Under this plan we would no longer use across-the-board price cuts to

achieve control over production. We would give more control to the local producers.

My bill would allow some experimentation within regions if the producers wanted to hold down Government sales, and thus avoid paying an assessment. The producer board could poll local dairymen on various program alternatives, from product promotion to production control proposals.

There would be more autonomy and accountability for each region. No longer would the whole country be held responsible for one region's actions.

The region itself would decide how costs would be kept under control. If they went above the CCC base for their region, then they would pay the cost. The incentive would be there. Region by region, they would have the incentive to keep production down and keep costs in line.

There would be more autonomy and accountability for each region. No longer would the whole country be held accountable and responsible for one region's action.

The Federal Government should protect agriculture—but as a safety net, not as a booster shot for some regions which, frankly, do not need the help.

This bill sets out the outlines of a new policy. I hope it sparks a debate within the dairy industry. I rather suspect it will. We need to take a hard look at where the dairy industry is going and what kind of long-term policy we need to protect the family dairy farmer.

The legislation I introduce today will be referred to the Senate Agriculture Committee. As chairman of that committee, I intend to hold hearings next spring on this bill and on other approaches which address the growing imbalance in dairy production in this country.

Mr. President, I do this from a national and parochial interest. My national interest is as chairman of the Senate Agriculture Committee. We know that we must keep agriculture costs in line. Dairy is only one of our farm programs. This bill is responsive to the budget.

I also have this interest as a Vermonter. It is a true parochial interest in the best sense of the word. I come from one of the most rural States in this country and, like all rural States, farming is an integral part of our life, of everything there is in our State. In Vermont that farming is primarily dairy. It is what keeps the land open; it is what creates stability for small towns and cities throughout the State of Vermont. It is also part of the history of our State—generation after generation passing on to their sons and daughters a love of the land, a sense of husbandry, a study really, almost from the time a child is able to walk, in

what are the best environmental procedures, how do you create food and fiber, how do you create life. This is part of the heritage we have in farming and in our towns and cities in Vermont. It is very much the same throughout all of this country.

We have some fine colleges of agriculture throughout this country. But they offer only a few years of learning. Our best farmers have had a lifetime of living what they did not only learn in school. They learned it from the time they were little boys and girls straight through until they took over the family farm.

If we lose this, we lose so much of what is the character of rural America. My State is changing but still needs that farm heritage.

My bill says that they can do that; they can compete; they can stay in business if they are good farmers. They are not going to have a crutch from the Federal Government, but they are not going to be damaged by a policy which is distorted by another part of the country, and which could wipe them out of business.

That is all I ask in this legislation. I think we are going to have some fascinating hearings. One of the things I announced when I became chairman of the committee was that finally we would face up to this question of a regional dairy program.

Mr. President, I send to the desk a bill cited as the Dairy Protection Act and a section-by-section analysis and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. LEAHY. Mr. President, as I understand the rules, this legislation will be referred to the Senate Agriculture Committee. I assure my colleagues that it will move its way rapidly to the top of the committee's hearing agenda. I will have hearings here in Washington. I suspect we will have hearings in Vermont and a number of other affected States.

Mr. President, I urge the dairy industry to look very carefully at this legislation and all dairy legislation because times are changing. The basic rules in dairy, in fact, the basic rules in many of the commodities cannot remain the same at a time when we are facing such huge budget deficits. We need new programs. Farmers are not afraid of that. They just want to know what the rules are going to be, and they want the rules to be fair. I hope that we can set out rules that will allow them to stay in business, allow them to be competitive, but also allow them to tell their sons and daughters that farming is a worthwhile existence, go on into the next generation and leave that heritage to our Nation.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS: THE DAIRY FARM PROTECTION ACT

The purpose of the bill is to establish a program whereby the stabilization of dairy production would be made the primary responsibility of specific regions of the United States. The bill is necessary because while recent production stabilization programs have had the effect of decreasing dairy production in some areas of the United States, other areas continue to increase dairy production. The rising production in some areas of the United States has a destabilizing effect on the dairy industry as a whole.

SEC. 2. REGIONAL DAIRY PRODUCTION STABILIZATION PROGRAM.

Section 2 of the bill amends the Agricultural Act of 1949 as follows:

For the calendar years 1989 through 1995, the Secretary of Agriculture is to support the price of milk through the purchase of milk and the products of milk at a level equal to the level of support in effect on December 31, 1988. The actual level of support in effect on December 31, 1988, is dependent upon the amount of milk and milk products the Secretary of Agriculture estimates will be purchased by the government in 1988. Current productions indicate that the dairy price support level in effect on December 31, 1988, will be \$10.60 per hundredweight.

If for any of the calendar years 1989 through 1995, the level of purchases of milk and the products of milk under the price support program, as estimated by the Secretary of Agriculture on January 1 of such calendar year, will not exceed 2,500,000,000 pounds (milk equivalent), the Secretary shall increase by 50 cents the rate of price support for milk in effect on such date.

During the period beginning on January 1, 1989, and ending on December 31, 1995, the Secretary shall establish and carry out a regional dairy production stabilization program. Under this program, the Secretary shall establish at least 6, but not more than 10, dairy production regions in the United States. The regions shall be established based upon, among other things, existing milk marketing order regions and historical transportation and distribution patterns of fluid milk and milk products.

Each region shall be given an authorized purchase level for milk products purchased by the government under the milk price support program. A total authorized national purchase level of 5,000,000,000 pounds (milk equivalent) is established. This total level will be apportioned to each region based upon the average of the proportion of total purchases of milk and milk products by the government during 1986 and 1987 attributable to that region.

If, for any of the calendar years 1989 through 1995, the level of purchases of milk and the products of milk under the price support program (less sales under section 407 for unrestricted use) from any region exceeds the authorized purchase level established for such region, the producers of milk in such region shall pay an assessment designed to offset the cost associated with the purchase of any milk or milk product produced in the region in excess of the authorized purchase level established for the region. The assessment shall only be for

such time and in such amounts as is necessary to offset such excess costs.

The assessment shall be collected and remitted to the Commodity Credit Corporation, at such time and in such manner as prescribed by the Secretary, by each person in the region making payment to a producer for milk produced in the region and purchased from the producer, except that in the case of a producer who markets milk of the producer's own production directly to consumers, the assessment shall be remitted directly to the Corporation. The assessment shall be levied upon the quantity of milk sold in the region for commercial use during an assessment period.

If the Secretary determines that purchases of milk and milk products in a specific region in excess of the authorized purchase level were caused by the shipment into such region of milk and milk products produced in another region, the Secretary may allocate any portion of such purchases determined appropriate to the region in which such milk and milk products were produced.

The bill requires the Secretary to establish Regional Dairy Production Boards that shall consist of not less than 5, nor more than 11, members. These Regional Boards shall investigate and report to the Secretary allegations concerning the shipment of milk and milk products from one region to another and evaluate the impact of such shipments on the level of purchases of milk and milk products in the region; and may develop and recommend to the Secretary alternative programs designed to reduce surplus milk production in the region or to ensure that costs associated with the purchase of quantities of milk or milk products in excess of the region's authorized purchase level are not borne by the Commodity Credit Corporation.

The Secretary may implement on a regional basis any such alternative dairy production stabilization program recommended by the Regional Board and approved by a majority of the milk producers in the region through a referendum. Such alternative dairy production stabilization program must be designed to carry out the purposes of this paragraph, including the reduction of purchases of milk by the Corporation to levels not in excess of 5,000,000 pounds milk equivalent units. The Secretary is authorized to issue such rules and regulations as may be necessary to implement such regional program.

The members of each Regional Board shall be elected by a referendum conducted by the Secretary of all milk producers in the region. Prospective Regional Board members shall be nominated by eligible organizations certified under section 114 of the Dairy Production Stabilization Act of 1983, or, if the Secretary determines that a substantial number of milk producers in a region are not members, of, or their interests are not represented by, any such eligible organization, then by such milk producers in the manner authorized by the Secretary. Regional Board members shall be appointed for 2 year terms, not to exceed two consecutive terms. However, initial appointments shall be proportionately for one-year and two-year terms. Regional Board members shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in performing their duties as members of the Regional Board including a per diem allowance as recommended by the Regional Board and approved by the Secretary.

In carrying out its responsibilities under this paragraph, the Regional Board may consult with, and obtain information from, the Administrator of the Agricultural Stabilization and Conservation Service, and Administrator of the Agricultural Marketing Service, and other available sources of information.

SEC. 3. RECORDS AND REPORTS.

This section provides that each producer who markets milk, each person who sells milk or milk products to the Commodity Credit Corporation, and each person required to make payment to the Corporation or collect assessments under the milk price support program must keep such records and make such reports, in such manner, as the Secretary determines necessary to carry out the milk price support program and the regional production stabilization program.

SEC. 4. MARKETING PENALTIES.

This section provides that each person who fails to remit to the Corporation the assessments required to be collected under the regional dairy stabilization program shall be liable, in addition to any amount due, for a marketing penalty at a rate equal to the support price for milk in effect at the time the failure occurs on the quantity of milk as to which the failure applies.

SEC. 5. REGULATIONS.

This section authorizes the Secretary of Agriculture to issue such regulations as are determined necessary to implement the provisions of this Act.

SEC. 6. EFFECTIVE DATE.

This Act shall be effective as of January 1, 1989.

By Mr. PROXMIRE:

S. 1870. A bill to provide for the use and distribution of funds awarded the Wisconsin Band of Potawatomi in docket 28 of the United States Claims Court; to the Select Committee on Indian Affairs.

USE AND DISTRIBUTION OF WISCONSIN BAND OF POTAWATOMI JUDGMENT FUNDS

Mr. PROXMIRE. Mr. President, the Forest County Potawatomi Community is a small tribe in Crandon, WI which was granted a judgment fund in Docket No. 28 before the U.S. Claims Court on May 17, 1983. These funds were appropriated by Congress on April 2, 1985 and are currently being held by the Bureau of Indian Affairs.

The Judgment Distribution Act of 1973 provides for distribution of such judgment funds without legislation if a plan for the use of the funds is submitted within 1 year and a hearing is held. Unfortunately, the hearing scheduled in Minneapolis was cancelled due to a severe snow storm and the deadline was missed. Therefore, legislation must now be enacted to distribute the funds to the Potawatomi Tribe of Wisconsin and the Hannaville Tribe of Michigan.

This bill will make it possible for the tribes to receive their judgment funds. The two tribes have agreed on the division of the funds between themselves and the Secretary of the Interior has approved the use of the funds for social and economic development. I am, therefore, pleased to introduce this bill which will release the judg-

ment funds and assist these two tribes in their social and economic development.

By Mr. SPECTER:

S. 1871. A bill to amend the Public Health Service Act to require the Secretary of Health and Human Services to make grants for the establishment of pediatric acquired immunodeficiency syndrome resource centers; to the Committee on Labor and Human Resources.

PEDIATRIC ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) RESOURCE CENTERS ACT

Mr. SPECTER. Mr. President, today I introduce the Pediatric Acquired Immunodeficiency Syndrome Resource Centers Act to address the growing crisis of providing care for children suffering from the acquired immunodeficiency syndrome [AIDS].

More than 3,000 infants may become infected with the human immunodeficiency virus each year during the next 3 years. As of November 9, 1987, a total of 641 youngsters under 13 years of age had contracted the disease; 398 have died. These children, who usually become infected through their mothers during pregnancy, at the time of delivery, or after birth through breast feeding, have become the new "throw-away" children.

Orphaned or abandoned by parents and other family members, many of these children lie in hospital wards from birth through at least their 15th month, when test results can show whether they have actually contracted AIDS. For those youths found to have contracted the disease, foster care and adoption frequently are not options. Because potential foster parents fear contracting the disease or being ostracized for caring for an AIDS patient, few foster homes will accept these youngsters. Babies who test negative often fare no better, when their medical histories indicate that they even were suspected of having AIDS. Thus, we have developed within our society "boarder babies"—children whose homes become a hospital ward and whose only care, nurturing, affection, or stimulation is provided by their nurses and other hospital staff.

Mr. President, most of these children are in hospitals because they are homeless—there is no place else for them to go. Many cities and communities are not providing foster care or facilitating at-home care for these children—and this failure carries an exorbitant monetary penalty. For example, caring for an HIV-infected child at Harlem Hospital costs \$600 per day, as compared to an expected \$161 per day at Hale's Cradle, a foster facility which will open in Harlem this fall to provide care to AIDS babies. Indeed, a pediatric AIDS cost study at Harlem Hospital indicated that the cost of caring for 37 AIDS children, ages 10

months to 5½ years, totaled \$3.3 million.

My legislation, the Pediatric Acquired Immunodeficiency Syndrome Resource Centers Act, provides \$25 million in fiscal year 1988 and with appropriations for 1989 and 1990 to be determined later. Funds are to be used by hospitals for costs associated with the care of pediatric AIDS patients, including staffing, research, acquisition of equipment, renovation of facilities, and education, training, and services related to providing foster care and home care.

Mr. President, according to experts at the Children's Hospital of Philadelphia, there will be approximately 10,000 cases of pediatric AIDS in this country by 1991. Currently, Pennsylvania ranks 9th of 37 States with pediatric AIDS cases. In my State, the Children's Hospital of Philadelphia is developing a comprehensive plan for education, patient care, and research relating to pediatric AIDS. Our hospitals, social service agencies, and communities desperately need help in addressing this particularly sad aspect of the AIDS problem. The Federal investment we make in aiding them will improve the quality of life for sick children by more effectively utilizing our limited health care dollars.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pediatric Acquired Immunodeficiency Syndrome (AIDS) Resource Centers Act of 1987".

SEC. 2. PEDIATRIC ACQUIRED IMMUNODEFICIENCY SYNDROME RESOURCE CENTERS.

Part B of title III of the Public Health Service Act is amended by adding at the end thereof the following new section:

"SEC. 319A. PEDIATRIC ACQUIRED IMMUNODEFICIENCY SYNDROME RESOURCE CENTERS.

"(a) GRANTS.—The Secretary shall make grants to hospitals to support the development and establishment in hospitals of pediatric acquired immunodeficiency syndrome resource centers. Such centers shall provide care and treatment for children infected with the human immunodeficiency virus and who have contracted acquired immunodeficiency syndrome and shall conduct research relating to the provision of such care and treatment. In making grants under this section, the Secretary shall give priority funding to hospitals that have a history of providing care and treatment for such children and that have established relationships with community-based resources for the provision of foster care and home care for such children.

"(b) USES.—Payments under a grant under this section may be used by a hospital to pay the costs of—

"(1) salaries for staff for pediatric acquired immunodeficiency syndrome resource centers;

"(2) the acquisition of equipment for such centers;

"(3) the renovation of facilities for such centers; and

"(4) other items and services necessary to provide care and treatment for children infected with the human immunodeficiency virus.

"(c) APPLICATION.—No grant may be made under this section unless an application therefor is submitted to the Secretary in such form at such time, and containing such information, as the Secretary may by regulation prescribe.

"(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated \$25,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990."

By Mr. SPECTER:

S. 1872. A bill to amend the Public Health Service Act to provide for minority populations outreach, education, counseling, prevention, and research activities relating to acquired immunodeficiency syndrome, and for other purposes; to the Committee on Labor and Human Resources.

MINORITY ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) AWARENESS AND PREVENTION PROJECTS ACT

Mr. SPECTER. Mr. President, today I am introducing the Minority Acquired Immunodeficiency Syndrome Awareness and Prevention Projects Act, legislation to provide for a targeted outreach and risk reduction program to help prevent the further spread of the deadly acquired immunodeficiency syndrome [AIDS] among minority populations in the United States. This bill responds to minority community concerns regarding the distribution of AIDS funding and recognizes the critical importance of stimulating prevention activities at the grassroots level and increasing public awareness of AIDS as a minority health issue. Of over 44,000 reported AIDS cases in this country, over 17,000 involve minorities, primarily black and Hispanic.

In the recent efforts to increase public awareness about the incidence of AIDS, one key factor has had minimal attention—the disproportionate representation of minorities in the AIDS caseload. Although blacks and Hispanics represent only 11 percent and 8 percent, respectively, of the U.S. population, 25 percent of AIDS patients have been black and 14 percent have been Hispanic. AIDS cases are occurring nearly three times more frequently among black and Hispanic men than among white men, as measured by reported cases per million population. Among women and children with AIDS, blacks and Hispanics predominate: 71 percent of the women and 80 percent of the children with AIDS are black or Hispanic. Compared to the number of AIDS cases among

white women, AIDS cases are occurring 14 times more frequently among black women and 9 times more frequently among Hispanic women. The incidence rates among black and Hispanic children are 14.3 and 7.4 times the rates for white children.

The U.S. Public Health Service projects that there will be 270,000 AIDS cases by 1991. If minorities continue to represent 40 percent of AIDS patients, the toll will amount to 108,000 minority persons, primarily blacks and Hispanics.

AIDS is caused by a virus called the human immunodeficiency virus [HIV]. The human immunodeficiency virus permanently suppresses the body's immune system, rendering it ineffective. This virus is transmitted through: One, sexual contact; two, intravenous [IV] exposure to blood or blood products—for example, sharing needles used to inject illicit drugs or through blood transfusions; and three, infected mothers to their infants during pregnancy, at the time of delivery, or after birth through breast feeding.

According to medical epidemiologists at the Centers for Disease Control, AIDS is expected to spread much faster in the future among blacks and Hispanics than among whites. Patients with AIDS represent only a small portion of the population infected with HIV. An estimated 1.5 to 2 million persons are infected; experts predict that 25 to 50 percent of the infected population will develop AIDS within 5 to 10 years of infection. Of the 44,000 Americans who have contracted AIDS, more than 25,000 have died. Most infected persons are asymptomatic or only mildly symptomatic. They often are unaware of their infection and, therefore, take no precautions to prevent transmission to others.

Minority leaders are working to focus public attention on the threat AIDS poses to their communities. The AIDS epidemic with its disproportionate impact on the black community, was a major topic at the 77th annual convention of the National Urban League, which was held in Houston, TX, in July. According to Mr. John Jacob, president and chief executive officer of the National Urban League, the black community's previous indifference to the spread of AIDS is changing. Mr. Jacob noted that black AIDS victims are likely to be sicker and to die sooner, because they have poorer health than the general population and have less access to health care. Dr. Beny J. Primm, cofounder and executive director of the Addiction Research and Treatment Corp. of New York and a member of the Presidential AIDS Commission, believes that a massive and sustained prevention and education effort is needed for minority populations and I agree.

My sensitivity to the disproportionate representation of blacks and Hispanics in the AIDS caseload is based, in part, on the involvement of my office in a National Conference on AIDS and the Black Community sponsored by the Southern Christian Leadership Conference [SCLC] at Howard University, May 29-30, 1987. Noted civil rights leader and SCLC president, Rev. Joseph Lowery, and his wife, Mrs. Evelyn Lowery, national convenor of SCLC/Women, are playing key leadership roles in advocating strong church and community involvement in AIDS education and risk reduction activities. The willingness of national minority community leaders to speak out and help educate others about the AIDS epidemic must be supported and encouraged. Without the leadership and strong involvement of black, Hispanic, and other minority community leaders, Government and private-sector efforts will have minimal impact. Moreover, efforts which do not have strong and active support from the clergy will not reach significant portions of the black and Hispanic communities.

In my home city of Philadelphia, a community group—Blacks Educating Blacks About Sexual Health Issues [BEBASHI]—is taking the lead in providing information and education activities aimed at stopping the spread of AIDS within the Philadelphia black community. In a recent letter to my office, BEBASHI executive director Rashidah Hassan wrote:

As our community education about AIDS prevention becomes better known in the community, the demand for our program increases—and soon will greatly outstrip our capacity to respond if we aren't able to raise the necessary funds.

My legislation will enable BEBASHI or similar organizations to obtain the funds necessary to continue this vital work.

In developing the Minority Acquired Immunodeficiency Syndrome Awareness and Prevention Projects Act, I sought to respond to concerns raised by Mr. Carl Holman and the National Urban Coalition, the National Coalition of Hispanic Health and Human Services Organizations, the National Urban League, SCLC, the National Minority AIDS Council, and experts like Dr. Beny J. Primm. All have emphasized the need to target resources directly to minority organizations to meet education and risk reduction needs. Accordingly, my legislation amends the Public Health Service Act to provide \$190 million in grants over a 3-year period through the Office of Minority Health to community-based organizations for outreach, education and counseling, prevention and research activities related to acquired immunodeficiency syndrome.

From this amount, \$10 million is annually provided for grants to national minority organizations for national co-

ordination, technical assistance and promotion activities. These funds can assist organizations like the National Urban Coalition, National Urban League, SCLC, the National Minority AIDS Council, and the National Coalition of Hispanic Health and Human Services Organizations in providing national leadership to combat the AIDS crisis in minority communities.

In addition, the bill creates a National Minority Acquired Immunodeficiency Syndrome Advisory Committee to monitor programs and activities, and advise the Secretary of the Department of Health and Human Services concerning Federal efforts to combat the AIDS epidemic in minority communities.

Mr. President, AIDS does not discriminate—it is an equal opportunity killer. In our efforts to stop the further spread of this disease we must make sure that we do not over look our vulnerable minority communities.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minority Acquired Immunodeficiency Syndrome (AIDS) Awareness and Prevention Projects Act of 1987".

SEC. 2. PURPOSE.

It is the purpose of this Act to provide, through grants to community-based organizations, a program of outreach, education, counseling, prevention, and research activities to assist in reducing the risk of contracting acquired immunodeficiency syndrome among minority populations.

SEC. 3. GRANT PROGRAM.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end thereof the following new title:

"TITLE XXIV—PREVENTION AND PUBLIC AWARENESS OF ACQUIRED IMMUNODEFICIENCY SYNDROME AMONG MINORITY POPULATIONS

"SEC. 2401. GRANTS TO COMMUNITY-BASED ORGANIZATIONS.

"(a) IN GENERAL.—The Secretary, through the Director of the Office of Minority Health, shall make grants to community-based organizations for projects for the development and implementation of activities to increase the awareness among minority populations of information relating to, and methods of prevention of, acquired immunodeficiency syndrome (AIDS). Community-based organizations may form partnerships or cooperative agreements with colleges, universities, or other education or training institutions to provide technical assistance, or provide services, necessary to carry out this title.

"(b) APPLICATIONS.—No grant may be made under this section for a project unless an application therefor is submitted to the Secretary in such form and at such time as the Secretary may by regulation prescribe. Each such application shall contain—

"(1) information demonstrating that the applicant for the grant is a community-based organization, or is a coalition of community-based organizations, that is located in or has extensive access to the community to be served by the project and that has developed, and that will implement, the project to be supported with the grant;

"(2) information demonstrating that the project has been designed to consider the culture and life style of the minority population to be served by the project;

"(3) an identification and assessment of resources in the community to be served by the project that are available to assist the applicant in the implementation of the project;

"(4) a description of existing and potential relationships of the applicant with the community to be served by the project that can be used by the applicant to support and carry out the project;

"(5) a description of—

"(A) the manner in which the applicant has involved the community resource panel required under subsection (c) in the development of the project; and

"(B) the manner in which the applicant will involve such panel in the implementation of the project;

"(6) a statement of the methods by which the applicant will evaluate the effectiveness of the project; and

"(7) such other information as the Secretary may by regulation prescribe.

"(c) COMMUNITY RESOURCE PANEL.—Each applicant for a grant for a project under this section shall, prior to applying for such grant, establish a community resource panel to assist such organization in the development and implementation of the project. Such panel shall be composed of not less than 9 and not more than 15 individuals, and shall include—

"(1) at least one physician who lives or practices in the community to be served by the project;

"(2) at least one nurse or other health professional (other than a physician) who lives or practices in such community;

"(3) at least one private sector employer located in such community;

"(4) at least one representative of the local educational agency for the school district for such community;

"(5) at least one member of the clergy who serves in such community;

"(6) at least one representative of a local health care facility serving such community; and

"(7) at least one individual who resides in such community.

"(d) COMMUNITY REPORT.—Each recipient of a grant for a project under this section shall report to the community served by the project on the progress of the efforts of the recipient in carrying out the project for each year that the recipient receives such grant. Any such report may be provided in conjunction with a workshop, seminar, health fair, or other activity carried out by the recipient in the community.

"(e) NATIONAL COORDINATION, TECHNICAL ASSISTANCE, AND PROMOTION.—

"(1) GRANTS.—The Office of Minority Health shall make grants to national minority organizations with local chapters or affiliates to—

"(A) provide coordination, technical assistance, training, and development of educational materials and promotional strategies; and

"(B) conduct national meetings and conferences and utilize other strategies to mo-

bilize the constituencies of the organizations to operate education and prevention programs relating to acquired immunodeficiency syndrome.

"(2) AMOUNT.—A grant under this subsection shall be in an amount of not less than \$250,000 and not more than \$1,000,000.

"(3) ALLOCATION.—Of the amounts made available under subsection (g), at least \$10,000,000 shall be made available to carry out this subsection.

"(f) DEFINITION.—For purposes of this section, the term 'community-based organization' includes (but is not limited to) religious organizations, community health centers, and community-based education and training organizations that serve the disadvantaged persons at risk of contracting acquired immunodeficiency syndrome, and community-based programs serving intravenous drug abusers.

"(g) AUTHORIZATION OF APPROPRIATION.—To carry out this section, there are authorized to be appropriated \$50,000,000 for fiscal year 1988, \$65,000,000 for fiscal year 1989, and \$75,000,000 for fiscal year 1990.

"SEC. 2402. STRATEGY RELATING TO ACQUIRED IMMUNODEFICIENCY SYNDROME AND MINORITIES.

"(a) STRATEGY.—For each fiscal year, the Secretary shall prepare and transmit to the Congress a written strategy for education, counseling, prevention, training, treatment, research, and service delivery activities relating to acquired immunodeficiency syndrome that are specifically directed toward Blacks, Hispanics, and other minority populations.

"(b) EVALUATION.—The plan shall specify and evaluate, with respect to the fiscal year preceding the fiscal year for which the plan is transmitted, the activities implemented under the plan prepared under this section for such preceding fiscal year.

"(c) FIRST PLAN.—The first plan for the fiscal year following the effective date of this title shall be prepared no later than 90 days after the effective date of this title.

"SEC. 2403. ADVISORY COMMITTEE AND CLEARINGHOUSE.

"(a) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—The Secretary shall establish a National Minority Acquired Immunodeficiency Syndrome Advisory Committee, which shall monitor and advise the Secretary with respect to efforts by Federal agencies to combat the epidemic of acquired immunodeficiency syndrome in minority communities.

"(2) RECOMMENDATIONS.—The Committee shall report directly to the Secretary any recommendations with respect to legislative and administrative actions, including requests for appropriations, such Committee considers appropriate to combat such epidemic in minority communities.

"(3) MEETINGS.—The committee shall meet no more than four times each year.

"(4) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

"(b) CLEARINGHOUSE.—The Secretary, through the Director of the Office of Minority Health, shall establish a minority acquired immunodeficiency syndrome clearinghouse to provide primarily to minority communities and minority individuals access to information relating to—

"(1) the prevention and treatment of acquired immunodeficiency syndrome;

"(2) the financing of such treatment;

"(3) available education, counseling, and training concerning such syndrome;

"(4) the results of research relating to such syndrome; and

"(5) other available information concerning such syndrome."

SEC. 4. OFFICE OF MINORITY HEALTH.

(a) GENERAL AUTHORITY.—Section 1701 of the Public Health Service Act (42 U.S.C. 300u) is amended—

(1) in the first sentence of subsection (a)—

(A) by striking out "and" at the end of paragraph (9);

(B) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(C) by inserting after paragraph (10) the following new paragraph:

"(11) establish, in the Office of the Assistant Secretary for Health, an Office of Minority Health that shall—

"(A) establish plans, including specific short- and long-range objectives, and coordinate all activities within the Department, that relate to minority health care education, prevention, and service delivery with respect to the appropriate use of health care;

"(B) coordinate efforts to promote minority health care programs and policies in voluntary organizations and in the private sector with respect to minority health;

"(C) establish a national minority health care resource center to promote the exchange of, and access to, information concerning minority health care, and to provide for analyses of issues and problems regarding minority health;

"(D) support projects, conduct research, demonstrations, and evaluations, and disseminate information and findings relative to minority health care;

"(E) make grants to support efforts to increase knowledge and awareness in minority communities of the urgency of acquired immunodeficiency syndrome, including efforts such as public meetings, public speaking bureaus, training programs, and regional, State, and local conferences; and

"(F) make grants to support studies and demonstration projects to—

"(i) test new and innovative approaches to information, education, prevention, and treatment activities relating to acquired immunodeficiency syndrome;

"(ii) examine the impact of acquired immunodeficiency syndrome on minority communities;

"(iii) determine more cost-effective methods of delivering health care to individuals with acquired immunodeficiency syndrome; and

"(iv) evaluate efforts in minority communities to prevent and treat acquired immunodeficiency syndrome."

(2) in subsection (a), by inserting after the second sentence the following new sentence: "The Secretary shall appoint a Director for the Office of Minority Health established pursuant to paragraph (11), who shall be a member of the Public Health Service corps at the 07 level or its civil service equivalent."

(3) in the last sentence of subsection (a)—

(A) by inserting after "agencies" the following: "(including minority health care organizations, providers, and historically black colleges and universities (HBCUs));" and

(B) by inserting ", including minority communities" before the period at the end thereof; and

(4) by striking out subsection (b) and inserting in lieu thereof the following new subsection:

"(b) To carry out this title, there are authorized to be appropriated \$30,000,000 for fiscal year 1988, \$35,000,000 for fiscal year 1989, and \$40,000,000 for fiscal year 1990."

(b) RESEARCH PROGRAMS.—Section 1702 of such Act (42 U.S.C. 300u-1) is amended—

(1) in the first sentence of subsection (a)—

(A) by striking out "health information" and inserting in lieu thereof "health and minority health information"; and

(B) by inserting "health care delivery, access, and financing," after "health services,"; and

(2) in the first sentence of subsection (b), by inserting ", including minorities," after "public".

(c) COMMUNITY PROGRAMS.—Section 1703 of such Act (42 U.S.C. 300u-2) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "health risk factor reduction," after "programs in";

(B) in paragraph (1)(A), by inserting "in minority communities," after "(A) are";

(C) in paragraph (3), by inserting after "teaching programs" the following: "that are culturally sensitive to the diverse and unique needs of many minority citizens"; and

(D) in paragraph (4), by inserting after "hypertension," the following: "cancer, cardiovascular disease, infant mortality, substance abuse, homicide, unintentional injuries,"; and

(2) in the last sentence of subsection (c), by striking out "1978" and inserting in lieu thereof "1988".

(d) INFORMATION PROGRAMS.—Section 1704 of such Act (42 U.S.C. 300u-3) is amended—

(1) by inserting after the first sentence the following new sentence: "Such activities shall include special priority to minority individuals, providers, educators, and other persons in minority communities who are or should be informed respecting such matters.";

(2) in paragraph (1) of the last sentence—

(A) by inserting "culturally sensitive and relevant" after "publication of"; and

(B) by inserting "homicide and suicide," after "accident prevention,"; and

(3) in paragraph (2) of the last sentence, by inserting "minority communities," after "cooperation of".

(e) REPORT.—Section 1705 of such Act (42 U.S.C. 300u-4) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) Not later than 2 years after the date of enactment of this subsection and annually thereafter, the Secretary shall submit to the President for transmittal to Congress a report on the status of minority health care efforts in health information and health promotion, preventive health services, and education in the appropriate use of health care. The report shall include—

"(1) a statement of the activities carried out under this title since the last report was submitted and the extent to which each such activity achieves the purposes of this title;

"(2) an assessment of the manpower resources needed to carry out programs relating to health information and health promotion, preventive health services, and education in the appropriate use of health care;

"(3) a statement of the goals and strategy formulated pursuant to section 1701(a)(1),

the models and standards developed under this title, and the results of any study conducted to carry out this subsection; and

"(4) such recommendations as the Secretary considers appropriate for legislation respecting health information and health promotion, preventive health services, and education in the appropriate use of health care, including recommendations for the extension and revision of this title."

By Mr. HEINZ (for himself and Mr. HEFLIN):

S. 1874. A bill to amend title 38, United States Code, to redefine the term "former prisoner of war;" to the Committee on Veterans' Affairs.

BENEFITS FOR SERVICEMEN HELD IN THE SOVIET UNION DURING WORLD WAR II

● Mr. HEINZ. Mr. President, today I am introducing legislation to assist some of our most valorous servicemen. At present, despite the services they rendered to our Nation, these men cannot secure the benefits which I believe they deserve.

During the Second World War, approximately 335 American airmen landed in the Soviet Union after raids on Japanese territory. The Soviets, seeking to avoid bad relations with the Japanese, interned these servicemen as was their obligation under international law. Stalin eventually allowed for staged "escapes" of some of these men, yet great care was taken to avoid any violation of Soviet neutrality.

Today, those veterans, who flew dangerous missions over enemy territory and survived, find themselves unable to claim benefits available to former prisoners of war. Though many of the hardships they had to endure are similar to those endured by prisoners of the Germans or the Japanese, such as frostbite, malnutrition, and prolonged exposure to cold, they are not treated in the same way simply because the Soviet Union was a neutral country at that time.

The legislation I am introducing today will bring these veterans into the fold. My bill quite simply designates this small number of former servicemen—those detained by the Soviets during the Second World War—to the same benefits as other prisoners of war.

Former prisoners of war receive a presumption of service connection for specific illnesses common to their wartime experience. They receive priorities, under special circumstances, for VA health care.

Those who spent months or years in Soviet-controlled camps are entitled to adequate health care as the years go by. That is what my legislation is about.

Those veterans interned by the Soviets, though few in number, have been passed over when it comes to benefits. The time has come to recognize that their sacrifices have not been forgotten.

Mr. President, I ask unanimous consent that the text of my bill and a newspaper article on Doolittle's raiders appear at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 (32) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of clause (A);

(2) by striking out the period at the end of clause (B) and inserting in lieu thereof a semicolon and "or"; and

(3) by adding at the end the following new clause (C):

"(C) by the government of the Union of Soviet Socialist Republics, during World War II, under circumstances which the Administrator finds to have been comparable to the circumstances under which persons have generally been forcibly detained or interned by enemy governments during periods of war."

[December 1944]

DOOLITTLE TOKYO BOMBERS WHO LANDED IN RUSSIA MAKE "ESCAPE"

(By Henry C. Cassidy)

WASHINGTON.—Latest of Lt. Gen. James H. Doolittle's Tokyo raiders to be heard from, the five who landed in Russia, have "escaped" across one of the world's best guarded borders and returned safely to the United States.

The inside story of their adventure was learned today from an authoritative source.

The five formed the crew of one of the 16 B25 bombers which hit Tokyo April 18, 1942. This one made a forced landing in the Russian maritime province while the others flew on to China.

This crew was interned in the Soviet Union, and left a year later.

The fliers almost escaped internment when they first came down without gasoline at an airport near Vladivostok.

They told the Russians their plane should be accorded the privilege of belligerent ships in distress to put into a neutral port, refuel and proceed.

The Russians seemed willing and put the Americans up for the night. Next morning, however, the fliers found they had been interned under international law, and were not permitted to return to the plane.

The United States embassy, then headed by Adm. William H. Standley, was notified by the Soviet diplomatic agent in the Far East, and undertook to make contact with the men.

They turned up in the central Russian town of Penza, between Moscow and Kulbyshev, where they were given a country house.

The United States military attache, Col. Joseph A. Michela, and Edward Page, second secretary of embassy, were permitted to visit them.

When the German advance to Stalingrad that summer threatened central Russia, the fliers were moved east to Ohansk, on the Kama river near Molotov, where they were given a large house.

Adm. Standley visited them Sept. 12, 1942, and took them for a boat excursion on the

Kama, complete with caterers, musicians and an English-speaking hostess.

The fliers had comfortable rooms, plenty of food, servants and an interpreter-guard who taught them Russian. They had the freedom of the river-port town, went swimming and were promised hunting in the fall.

But they were chafing at inactivity. They told Adm. Standley they wanted to get back into action.

That winter they were transferred to Ashkhabad where, as the Russians put it, they would be warmer and could be "usefully employed." Ashkhabad is on the Soviet-Iranian border, just east of the Caspian sea.

One day they drove across the border in a truck to the Iranian city of Meshed, and never returned.

Soviet officials never drew the attention of the United States embassy to the "escape," and the Americans never mentioned it to the Russians.●

By Mr. FOWLER:

S. 1875. A bill for the relief of Nisme Gonzalez; referred to the Committee on the Judiciary.

RELIEF OF NISME GONZALEZ

● Mr. FOWLER. Mr. President, today, I am introducing a bill to provide for the relief of Nisme Gonzalez. I ask unanimous consent that various materials related to the bill be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

PRIVATE BILL—CASTANEDA

Name: Nisme Gonzalez-Rubio Castaneda.

Date and Place of Birth: November 8, 1958, Rubio Castaneda, Colombia, South America.

Present Residence: Atlanta, Georgia.

SPECIAL NEED FOR PERMANENT RESIDENCY IN THE UNITED STATES

Nisme Gonzalez is the mother of Angelica Maria Ahumada Gonzalez. Angelica was born on April 6, 1984, as one of a pair of Siamese twins, attached at the pelvis. Upon separation, the other twin died, but Angelica remained alive with severe medical problems and deformities, such as no pelvic bone and an external bladder.

Ms. Gonzalez previously worked for an American multinational company in Colombia, and it was through a co-worker that she found medical help for her child. This gentleman contacted Scottish Rite Children's Hospital in Atlanta and made arrangements for Angelica to receive the necessary surgery. The surgery is being funded by the Shriners, but she will require Ms. Gonzalez to remain in the United States until all of the procedures are complete. This could take several years.

Angelica has undergone four successful surgeries since February 1985. However, more surgeries will be needed which cannot be performed in Colombia, as it lacks adequate medical facilities.

VISAS USED TO ENTER THIS COUNTRY

Ms. Gonzalez has a B-2 visa which is valid through February 25, 1990. Her visa was obtained on February 26, 1985 at Barranquilla, Colombia, and the visa number is 570563. Nisme and Angelica arrived in February of 1985 to begin the series of needed surgeries.

TIME LIMITATIONS

Ms. Gonzalez's medical permit ends in three months. She needs to acquire permanent residency and in order to stay in the U.S. to work. She no longer has a job in Colombia, and she does not have the funds to travel between Colombia and the U.S. for her daughter's treatment. Southern Bell would like to hire her as a translator, but the company is concerned about the status of her residency.

EXHAUSTION OF ALL OTHER REMEDIES

Currently, Ms. Gonzalez has a tourist visa which will not allow her to work in the U.S. She is not eligible to apply for an immigrant or non-immigrant visa for the following reasons:

(1) She does not have a close relative in the U.S. who could petition for her permanent residence, and

(2) There is no company which would petition on her behalf, because she is not a professor, artist, researcher, or the like who would be indispensable to such a company.

In essence, she does not fit into any of the categories established by the Bureau of Immigration and would need special consideration for permanent residence.

PRESENT STATUS

Ms. Gonzalez awaits special review of her situation.

SCOTTISH RITE CHILDREN'S HOSPITAL,

Atlanta, GA, November 10, 1986.

Re: medical visa for Nizme Gonzalez Rubio Castaneda.

To Whom It May Concern:

Angelica Maria Gonzalez Rubio Anhumada has been a patient at Scottish Rite for the past two years. She was sent here for special treatment which was not available in her homeland of Colombia, South America.

Please see attached information on her medical history diagnosis and prognosis for the future.

The baby and her mother have been traveling back and forth to date, which has become prohibitive.

It is the consensus of all the attending physicians for this child that we could best serve her as our patient if she could remain here and available to be seen more regularly at Scottish Rite. At this time, medically speaking, it is not predictable exactly when the pelvic osteotomy can be performed or for that matter other future surgeries.

We are asking that you consider granting both the mother and child a more extended visa so that we may adequately attend her medical needs.

Thank you for your cooperation.

Sincerely,

THOMAS S. PARROTT, MD.

DISCHARGE SUMMARY

Name: Ahumada, Angelica.

Date of Admission: 5-19-86.

Discharge Date: 5-26-86.

Reason for Hospitalization: Here for closure of sigmoid loop colostomy.

BASIC HISTORY

This is a 2-year-old Colombian female who was born a Siamese twin, joined at the pelvis and lower abdomen. This is the only survivor of the twin set. This patient was noted to have a cloacal deformity, involving 1 bilateral hemibladder, each with a single urethra from the bilateral kidneys, a single rectal opening, separate vaginas and separate uteri. The patient has undergone multiple surgeries including:

(1) 9-3-85—Sagittal anorectoplasty with vaginoplasty, cystoplasty and urethroplasty.

(2) 1-24-86—Bladder reconstruction with fusion of her bilobate bladder, vagina reconstruction and urethra construction.

(3) 5-19-86—Closure of sigmoid loop colostomy and operative cystoscopy with vaginocopy by Dr. Parrott.

OPERATION

(1) 5-21-86—Cystoscopy and vaginocopy by Dr. Parrott.

Post operative diagnosis: Vesicovaginal fistula with incompetent bladder neck. The patient was noted to have 100cc. bladder capacity, and at this point, a leakage was visualized coming through the vagina approximately 2 cm. from the vaginal introitus. As per Dr. Parrott's interpretation, this vesicovaginal fistula will be amenable to primary repair through a vaginal approach and he recommended that this be done at a later date.

(2) The patient also underwent takedown of sigmoid loop colostomy on 5-21-86 with primary end to end anastomosis done by Dr. Naffis. There were no complications of the surgery post op.

HOSPITAL COURSE AND TREATMENT

Was essentially uncomplicated. The patient remained afebrile. She was placed on triple antibiotics pre op and remained on them post op x 5 days. The cultures of the anastomotic site post op prior to closure of the skin remained negative at 72 hours. The incisions are healing well prior to discharge. The patient was stooling—the stools were numbering 4-6 in number Q day and were fairly liquidy and as the patient was not toilet trained prior to this procedure, she was at the time incontinent of stool, however, her sphincter control at this point is difficult to access. On rectal exam, she does have good sphincter tone.●

By Mr. DeCONCINI (for himself, Mr. CRANSTON, Mr. MURKOWSKI, Mr. ROCKEFELLER, and Mr. GRAHAM):

S. 1876. A bill to amend title 38, United States Code, to require the establishment of child care centers at Veterans' Administration facilities; to the Committee on Veterans' Affairs.

VETERANS' ADMINISTRATION CHILD CARE ACT

● Mr. DeCONCINI. Mr. President, today, along with the distinguished chairman of the Senate Committee on Veterans Affairs, Senator CRANSTON, the ranking member Senator MURKOWSKI, Senator ROCKEFELLER, and Senator GRAHAM, I am introducing important legislation to require the establishment of onsite child care centers at all Veterans' Administration facilities.

Mr. President, nearly half of all infants in America have mothers working outside the home. That figure has doubled since 1970, and there is no sign that this trend is reversing. Almost two-thirds of all American mothers are now in the workforce, and no less than 93 percent of all women working outside the home will become pregnant during their child-bearing years. As a result, child care is the fastest growing, most expensive form of supplemental care in this country.

These percentages translate into a total today of 24 million children under age 13 with mothers working

outside the home. Over the next 5 years, this figure will swell to nearly 30 million, and experts believe most of these children will not receive the basic attention necessary for the development of healthy minds and bodies. As parents continue to struggle with families and work responsibilities, the availability of high quality and affordable child care services will play an increasingly important role in employment decisions.

For several years now, Congress has been attempting to convince private industry that legislation which would alleviate some of the burden being placed upon America's families is good business. This policy has been premised upon a philosophy that a healthy and happy family is the underpinning of a better society, and a healthy and happy employee is the underpinning of a successful business. Obviously, onsite child care, where a parent can be close to and monitor the care of his or her child is the preferable option for any employee. However, if we are to succeed in convincing the private sector of the merits of progressive child care policies, the Federal Government must take the lead.

It is both exciting and encouraging to find several VA medical centers establishing child care centers for the children of their employees. Unfortunately, only 14 of these centers exist to date. With the extraordinary recruitment and retention problems the VA is experiencing with respect to health care personnel, it is in our best interest to require the establishment of child care centers at all VA facilities. It is my firm belief that onsite child care is not only good for the child and the parent, but is good for the Veterans' Administration.

Mr. President, perhaps nowhere in the Federal work force is child care needed more than among Veterans' Administration health care workers. If the VA is to compete with private facilities for health care professionals, it will have to provide services that make it attractive to health care providers. National shortages of nursing and other skilled medical personnel have created an extremely competitive labor market. In response, private hospitals and other medical care institutions have led the Nation in the development of child care options in order to recruit and retain skilled medical care personnel. As a result, the Veterans' Administration medical centers are suffering acute nursing shortages. In Arizona, medical wards in VA facilities have had to close on an increasingly frequent basis because they have been unable to recruit and retain sufficient nurses.

While child care centers are of immediate concern, such centers should, in my view, be available for all VA employees. For this reason, I am intro-

ducing legislation to require the establishment of onsite child care centers at Veterans' Administration facilities for the care of children of VA employees, and to the extent space is available, other Federal employees and non-Federal employees. Under this legislation, the Administrator shall furnish space in existing VA facilities as well as utilities and other amenities for the health and safety of the children associated with such care. Any other facilities or services provided by the Administrator for the child care centers will be provided on a reimbursable basis. Fees to cover the cost of the operation of the center will be based on a sliding scale according to the income and assets of the children's parents. Further, the bill requires that a parental advisory committee be created which will incorporate parent participation in establishing policies concerning the center as well as overseeing operations of the child care center. In addition, it requires the development of a process to determine the fitness and suitability of prospective employees. Finally, the bill also requires that the centers be in compliance with State and local laws.

The VA Administrator may exercise several options in order to carry out the provisions of this bill. The administrator may: First, enter into contracts with nonprofit organizations that are comprised of parents who would receive child care services in these centers; second, contract with other nonprofit organizations for the operation of the centers which have a demonstrated expertise in running child care centers; or third, provide for the direct management of the centers by the Veterans' canteen service created by chapter 75 of this title. In those instances where the Administrator chooses to provide direct management or contract with nonprofit organizations, other than those comprised of parents who would receive the services, such management shall include a provision for a parent advisory committee.

Mr. President, quality child care is both vital to improving the work environment for VA employees and to providing the highest level of health care for our veterans. The Veterans' Administration Child Care Act of 1987 offers a viable solution to such a dilemma. ●

By Mr. BRADLEY (for himself, Mr. ROTH, Mr. CHAFEE, Mr. McCAIN, Mr. PELL, Mr. LAUTENBERG, and Mr. STAFFORD):

S. 1877. a bill to restore balance among sources of supply for the Nation's sweetener needs, and for other purposes; referred to the Committee on Agriculture, Nutrition, and Forestry.

SUGAR SUPPLY STABILIZATION ACT

● Mr. BRADLEY. Mr. President, today I am pleased to introduce the

Sugar Supply Stabilization Act of 1987, along with my colleagues Senators ROTH, CHAFEE, McCAIN, PELL, LAUTENBERG, and STAFFORD. This legislation will reform the Government's price support program for domestic sugar production. Although this program is hailed by sugar producers as a success, the so-called "no-cost" sugar program is anything but no-cost, and it is certainly no success.

Today's sugar program was designed to provide a "safety net" for farmers. Instead, it has guaranteed all U.S. sugar and corn sweetener producers extraordinary profits. Raw sugar is currently selling at about 22 cents a pound in the United States, over three times the current world price. The guaranteed higher price for sugar translates into an average annual subsidy of approximately \$170,000 per sugar grower. In the case of some growers, this subsidy totals millions of dollars. The sugar program has also caused higher prices for high fructose corn syrup (HFCS), thereby adding an additional \$1.2 billion per year in profits to a handful of domestic corn sweetener producers.

The artificially high price of sugar costs American consumers an extra \$3 billion a year solely to benefit some 10,000 sugar growers and a few corn sweetener producers. This excess cost for sugar is a burden on all Americans. But the burden weighs most heavily on the poor, since they spend much of their income for basic foods. Our "no-cost" sugar program clearly costs consumers billions of dollars in higher food prices.

U.S. workers also do not escape the adverse effects of this program. Since 1981, eight U.S. sugar refineries, which are dependent on imported raw sugar, have closed their doors; more than 2,000 American workers in those companies have lost their jobs. These refineries couldn't compete with foreign competitors who have access to sugar at far lower prices. Dock workers have also suffered as sugar imports dropped 80 percent over the last 5 years—the direct result of a 400 percent cut in the sugar quota.

The U.S. food and beverage manufacturing industries employ hundreds of thousands of people—the chocolate and confectioners industries alone employ more than 60,000 workers. These jobs are threatened by competition from foreign manufacturers which have access to competitively priced sugar. More and more domestic food companies are relocating their plants outside this country so that they, too, can have access to world market prices. The "no-cost" U.S. sugar program is costing many American workers their very livelihoods.

But U.S. consumers and workers are not the only ones who suffer from our sugar policy. This policy directly endangers our national security inter-

ests. Important strategic allies and neighbors, such as the Philippines and the Caribbean and Latin American nations, have also been harmed by our misguided sugar program. Since 1981, the amount of sugar allowed in the United States has dropped from 5 million tons to 1 million tons. Recent figures released by the U.S. Department of Agriculture indicate that domestic sugar producers will reap a record harvest this year. USDA officials estimate that sugar import quotas may reach zero within a few years. Our no-cost sugar program keeps impoverished some of our most needy allies, who even now are unable to bear the burden of excessive foreign debt.

Mr. President, the Sugar Supply Stabilization Act of 1987 will create a more competitive market for sugar in America. This new market—and lower prices—will help consumers, labor, and domestic industry. The act will reduce the sugar support price from 18 cents to 12 cents by 1991. At the same time, the annual import quota is increased by 500,000 tons each year from 1989 to 1992.

This gradual transition will facilitate adjustment in the domestic sugar-producing industry. The final price support level is sufficient to serve as a safety net for efficient producers. Likewise, this legislation will slowly and steadily increase the domestic sugar quotas from the current annual rate of approximately 1 million tons to an annual rate of at least 3 million tons in the early 1990's, which is approximately the same level that prevailed in 1982 when quotas were first imposed.

The decrease in the sugar support price—and the expectation of future price reductions—should lead to less domestic sweetener production and sufficient demand to absorb quota increases. The goal, clearly, is to maintain a sugar program that truly does not burden the American taxpayer. In contrast, the current sugar program depends on quota reductions to prevent loan forfeitures and cost to the Government. As I've stated, imports are now 1 million tons, down from 5 million tons in 1981. We're soon to be, as Secretary of Agriculture Lyng has said, "self-sufficient" in sugar supply. Once this quota goes to zero—which seems inevitable within a year or two—the no-cost veil of today's program will vanish.

The current sugar program has failed. Congress must face up to this fact and take the necessary actions to reform this program. Sugar is a minor crop in the United States. That is why it is ludicrous to benefit 10,000 growers at the expense of U.S. strategic interests, hundreds of thousands of American workers, and hundreds of millions of American consumers.

Mr. President, I ask unanimous consent that the text of the bill be printed in full at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sugar Supply Stabilization Act of 1987".

SEC. 2. SUGAR PRICE SUPPORT.

(a) AMENDMENT TO THE FOOD SECURITY ACT OF 1985.—Section 901 of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1443) is amended by striking out "Effective only for the 1986 through 1990 crops of sugar beets and sugarcane, section" and by inserting in lieu thereof "Section".

(b) AMENDMENT TO THE AGRICULTURAL ACT OF 1949.—Section 201(j) of the Agricultural Act of 1949 (7 U.S.C. 1446(j)) is amended—

(1) in paragraph (1), by striking out "of the 1986 through 1990 crops" and inserting in lieu thereof "crop";

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) The Secretary shall support the price of domestically grown sugarcane through nonrecourse loans at such level as the Secretary determines appropriate, but not less than—

"(A) in the case of each of the 1986 and 1987 crops, 18 cents per pound;

"(B) in the case of the 1988 crop, 16.5 cents per pound;

"(C) in the case of the 1989 crop, 15.0 cents per pound;

"(D) in the case of the 1990 crop, 13.5 cents per pound; and

"(E) in the case of the 1991 and subsequent crops, 12.0 cents per pound."; and

(3) by striking out paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

SEC. 3. SUGAR IMPORT QUOTAS.

(a) IN GENERAL.—Notwithstanding any other provision of law, any limitation imposed under any other provision of Federal law on the total quantity of sugars, syrups, and molasses provided for in item 155.20 or 155.30 of the Tariff Schedules of the United States that may be entered during calendar year 1989, 1990, 1991 or 1992, shall equal or exceed the sum of—

(1) the amount of such limitation for the calendar year preceding such calendar year, plus

(2) 500,000 short tons, raw value.

(b) CONFORMING AMENDMENT.—Subdivision (a) of headnote 3 to subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States is amended—

(1) by inserting "(i)" after "(a)", and

(2) by adding at the end thereof the following:

"(ii) Notwithstanding any other provision of this headnote, any limitation imposed under this headnote on the total quantity of sugars, syrups, and molasses provided for in item 155.20 or 155.30 that may be entered during calendar year 1989, 1990, 1991, or 1992, shall equal or exceed the sum of—

"(A) the amount of such limitation for the calendar year preceding such calendar year, plus

"(B) 500,000 short tons, raw value."

(c) ENTERED.—For purposes of this section, the term "entered" means entered, or with-

drawn from warehouse, for consumption into the customs territory of the United States.

SEC. 2. GENERAL AMENDMENTS.

(a) SUGAR LOAN FORFEITURES.—Section 902 of the Food Security Act of 1985 (7 U.S.C. 1446 note) is amended by striking out subsections (a) and (b) and by striking out the subsection designation "(c)".

(b) RESALE AUTHORITY.—The second proviso of the third sentence of section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427) is amended by inserting before the colon the following: "except that this restriction shall not apply to sugar during the 1988 through 1991 crop years:".

(c) STUDY.—

(1) IN GENERAL.—The Secretary of Agriculture shall study means of reducing the difference between the loan rate and the market stabilization price by using alternative methods for determining transportation differentials, regional loan rates, and the market stabilization price of sugar.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report describing the results of the study conducted under paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.●

● Mr. LAUTENBERG. Mr. President, I am very pleased to join as an original cosponsor of this important legislation.

Mr. President, the sugar program needs reform. The current program is hurting consumers, producers of products containing sugar, the domestic sugar refining industry, and many of our sugar-producing allies and neighbors.

American consumers are now paying about 22 cents for a pound of raw sugar. That is over three times the world price. It adds up to an additional \$3 to \$4 billion a year for American consumers, or \$100 a year for a family of four.

Manufacturers of candy, chocolate, and other sugar-containing products also are paying a heavy price for the sugar program. Some have fled to Canada to avoid the inflated United States prices, leaving their American workers behind. Those who have remained are being placed at a competitive disadvantage because foreign competitors are producing their products with cheaper sugar. The result again is lost American jobs and lost American manufacturing capacity.

Another casualty of our misguided sugar program is the domestic sugar refining industry. Choked by inadequate supplies of sugar caused by U.S. import quotas, a large number of refiners have been forced out of business. Many others are on the financial brink. As refiners fail, chocolate and candy manufacturers who depend on them for supplies also suffer.

The harmful effects of the Nation's sugar program do not stop at the border. By limiting imports of sugar, we are hurting many of the poorest countries in the world that depend

heavily on sugar exports—countries like the Philippines, El Salvador, Costa Rica, and several Caribbean and African countries. Many of these countries are struggling to maintain democracy and improve their economies. Their people are struggling with desperate poverty.

The United States has strong interests in supporting these countries: political interests and moral interests. Yet while we often uphold these interests in our rhetoric, we undermine them with our sugar program, a program that can only be labeled as protectionist.

For all the costs the sugar program imposes, it benefits only a small number of producers: less than 12,000 growers and a few corn sweetener producers. But the few that benefit do so in a big way. The program's effective annual subsidy works out to about \$170,000 per sugar grower. For some, the program means millions of dollars in government-created income.

Mr. President, our sugar program has been a sweet deal for sugar producers, but has soured our relations with many in the Third World. Millions of people around the world are suffering so that a narrow special interest can reap a large and unjustified windfall. That is fundamentally wrong.

This bill will begin to correct that wrong. I commend my colleague from New Jersey, Senator BRADLEY, for his leadership in this area, and I look forward to working with him to help ensure that the bill receives prompt, favorable consideration in the Senate.●

ADDITIONAL COSPONSORS

S. 373

At the request of Mr. PELL, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 373, a bill to reauthorize the program of finance assistance to meet special education needs of disadvantaged children, and to reauthorize chapter 2 of the Education Consolidation and Improvement Act of 1981, through fiscal year 1993.

S. 430

At the request of Mr. METZENBAUM, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 430, a bill to amend the Sherman Act regarding retail competition.

S. 533

At the request of Mr. THURMOND, the names of the Senator from Missouri [Mr. BOND], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 762

At the request of Mr. PELL, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 762, a bill to provide for a Voluntary National Service and Education Demonstration Program, and for other purposes.

S. 840

At the request of Mr. THURMOND, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Maryland [Ms. MIKULSKI] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 840, a bill to recognize the organization known as the 82d Airborne Division Association, Incorporated.

S. 952

At the request of Mr. HEFLIN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 952, a bill to improve the administration of justice by providing greater discretion to the Supreme Court in selecting the cases it will review, and for other purposes.

S. 1085

At the request of Mr. GLENN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1085, a bill to create an independent oversight board to ensure the safety of U.S. Government nuclear facilities, to apply the provisions of OSHA to certain Department of Energy nuclear facilities, to clarify the jurisdiction and powers of Government agencies dealing with nuclear wastes, to ensure independent research on the effects of radiation on human beings, and for other purposes.

S. 1346

At the request of Mr. MATSUNAGA, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1346, a bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such Act to employers and employees in similarly situated industries, to give employers and performers in the performing arts the same rights given by section 8(f) of such Act to employers and employees in the construction industry, and for other purposes.

S. 1347

At the request of Mr. SIMON, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 1347, a bill to facilitate implementation of the 1980 Hague Convention on the Civil Aspects of International Child Abduction, and for other purposes.

S. 1378

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1378, a bill to provide for setting aside the first Thursday in May as the

date on which the National Day of Prayer is celebrated.

S. 1424

At the request of Mr. SIMON, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1424, a bill to amend title 8, United States Code, to provide for adjustment of status of certain Polish nationals who arrived in the United States before July 21, 1984, and who have continuously resided in the United States since that date.

S. 1522

At the request of Mr. RIEGLE, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 1541

At the request of Mr. REID, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1541, a bill to provide veterans' benefits to persons who served as seamen in the U.S. merchant marine during World War II.

S. 1625

At the request of Mr. SANFORD, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 1625, a bill to enhance the effectiveness and independence of the U.S. Court of Military Appeals.

S. 1630

At the request of Mr. HEFLIN, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 1630, a bill to provide for retirement and survivors' annuities for bankruptcy judges and magistrates, and for other purposes.

S. 1673

At the request of Mr. CHAFEE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1673, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 1712

At the request of Mr. BOSCHWITZ, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1712, a bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture, under certain circumstances, to make established price payments for the 1988 crop of a commodity.

S. 1717

At the request of Mr. GRASSLEY, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1717, a bill to assure uniformity in the exercise of regulatory juris-

diction pertaining to the transportation of natural gas and to clarify that the local transportation of natural gas by a distribution company is a matter within State jurisdiction and subject to regulation by State commissions, and for other purposes.

S. 1731

At the request of Mr. SPECTER, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1731, a bill to amend the Job Training Partnership Act to establish a demonstration program employment opportunities for severely disadvantaged youth, and for other purposes.

S. 1733

At the request of Mr. HATCH, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 1733, a bill to amend the Internal Revenue Code to allow for deduction of qualified adoption expenses, and for other purposes.

S. 1786

At the request of Mr. DIXON, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1786, a bill to establish a series of six Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of President of the United States.

S. 1830

At the request of Mr. SANFORD, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1830, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition (and a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security amendments of 1977 as they apply to workers born in years after 1916 and before 1930—and related beneficiaries—and to provide for increases on their benefits accordingly, and for other purposes.

S. 1833

At the request of Mr. DURENBERGER, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1833, a bill to make grants from amounts appropriated from the Federal Hospital Insurance Trust Fund under title XVIII of the Social Security Act to test the cost effectiveness of innovative nursing practice models under the Medicare program.

S. 1844

At the request of Mr. KARNES, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1844, a bill to provide for the orderly implementation of Environmental Protection Agency programs established to comply with the Endangered Species Act of 1973.

S. 1851

At the request of Mr. BIDEN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1851, a bill to implement the International Convention on the Prevention and Punishment of Genocide.

S. 1861

At the request of Mr. DECONCINI, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1861, a bill to amend the Controlled Substances Act to suppress the diversion and trafficking of precursor chemicals and essential chemicals utilized in the illicit manufacture of controlled substances.

SENATE JOINT RESOLUTION 156

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Joint Resolution 156, joint resolution to establish a U.S. Commission on Improving the Effectiveness of the United Nations.

SENATE JOINT RESOLUTION 178

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Joint Resolution 178, joint resolution designating the first day of August as "National Day of Peace."

SENATE JOINT RESOLUTION 181

At the request of Mr. WILSON, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Joint Resolution 181, joint resolution designating the week beginning February 1, 1988, as "National VITA Week."

SENATE JOINT RESOLUTION 203

At the request of Mr. D'AMATO, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Dakota [Mr. BURDICK], the Senator from Tennessee [Mr. SASSER], and the Senator from Kentucky [Mr. McCONNELL] were added as cosponsors of Senate Joint Resolution 203, joint resolution calling upon the Soviet Union immediately to grant permission to emigrate to all those who wish to join spouses in the United States.

SENATE JOINT RESOLUTION 215

At the request of Ms. MIKULSKI, the name of the Senator from Florida [Mr. CHILES] was added as a cosponsor of Senate Joint Resolution 215, a joint resolution to authorize the Vietnam Women's Memorial Project, Inc., to establish a memorial to women of the Armed Forces of the United States who served in the Vietnam war.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. GRASSLEY, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of Congress that volunteer work should be taken into account by employers in the consideration of appli-

cants for employment and that provision should be made for a listing and description of volunteer work on employment application forms.

SENATE CONCURRENT RESOLUTION 82

At the request of Mr. LUGAR, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Concurrent Resolution 82, a concurrent resolution urging the German Democratic chief of state Erich Honnecker to repeal permanently the order directing East German border guards to shoot to kill anyone who, without authorization, attempts to cross the Berlin Wall, and to issue an order to tear down the Berlin Wall.

SENATE CONCURRENT RESOLUTION 87

At the request of Mr. RIEGLE, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Concurrent Resolution 87, a concurrent resolution expressing the sense of the Congress with respect to demonstrations in Latvia commemorating Latvian Independence Day.

SENATE RESOLUTION 176

At the request of Ms. MIKULSKI, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Resolution 176, a resolution calling for the immediate release of all children detained under the state of emergency regulations in South Africa.

SENATE RESOLUTION 270

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Resolution 270, a resolution paying special tribute to Portuguese diplomat Dr. de Sousa Mendes for his extraordinary acts of mercy and justice during World War II.

SENATE CONCURRENT RESOLUTION 90—WELCOMING VLADIMIR AND MARIA SLEPAK TO THE UNITED STATES

Mr. HEINZ (for himself, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. COHEN, Mr. DOLE, Mr. DURENBERGER, Mr. LAUTENBERG, Mr. LEVIN, Mr. MOYNIHAN, Mr. PELL, Mr. SARBANES, and Mr. SPECTER) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 90

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. FINDINGS.

The Congress finds that:

(1) Vladimir and Maria Slepak were among the first to apply for an emigration visa from the Soviet Union and are rightfully considered among the founders of the Soviet Jewish emigration movement; and

(2) The Slepaks campaigned tirelessly for the right of Soviet Jews and other Soviet citizens to emigrate, and these efforts were supported by successive U.S. Administrations, the U.S. Congress, and the American people; and

(3) For their activism on behalf of internationally recognized human rights, the Slepaks suffered police harassment, internal exile, imprisonment, and loss of employment; and

(4) Despite this severe persecution, the Slepaks persevered in their efforts and, in October 1987, the Slepaks were permitted to emigrate to Israel; and

(5) Untold thousands of Jews and other citizens of the Soviet Union seek to emigrate from that country, but the Soviet Government continues to restrict such emigration in violation of solemn international legal commitment of the Soviet Union; and

(6) The American people and the Congress continue to give their strong and unflagging support to the right of all Soviet citizens to emigrate to a country of their choice.

SECTION 2. CONGRESSIONAL WELCOME.

(1) The Congress welcomes Vladimir and Maria Slepak to the United States and to the Nation's Capital, and salutes their inspiring courage and that of all Soviet human rights activists in fighting for human rights in the Soviet Union.

SENATE RESOLUTION 323—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO THE FAMILY OF CLARA V. RAY

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 323

Resolved, that the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Kate Lee, Paula Ray, James Owens, Nayomie Flood, Janice Sullivan, Dorothy White, Charles Sullivan, Bobby Sullivan, Andre Sullivan, Johnny Sullivan, Billy Sullivan and Patricia Crawley, children of Clara V. Ray, an employee of the Architect of the Capitol assigned to duty on the Senate side at the time of her death, a sum to each equal to one-twelfth of six months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 324—AUTHORIZING RELEASE OF A DOCUMENT BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 324

Whereas, on October 30, 1987, the Subcommittee on International Economic Policy, Trade, Oceans and Environment and the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations received in open and closed sessions the testimony of William Crone;

Whereas, the Independent Counsel appointed by the court in *In re Oliver L. North, et al.* (D.C. Cir. Div. No. 86-6, Dec. 19, 1986), has requested a transcript of the witness's closed session testimony in furtherance of the Independent Counsel's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Foreign Relations, acting jointly, are authorized to provide to the Independent Counsel a transcript of the closed session testimony of William Crone, subject to the Independent Counsel's agreement to abide by confidentiality and other requirements established by the Committee.

AMENDMENTS SUBMITTED

ELIMINATION OF COST-OF-LIVING INCREASES FOR FISCAL YEAR 1988

MURKOWSKI AMENDMENT NO. 1194

(Ordered referred to the Committee on Governmental Affairs.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill (S. 1859) to eliminate cost-of-living increases for Federal programs in fiscal year 1988; as follows:

At the end of the bill, add the following new section:

SEC. 2. FREEZE ON FEDERAL PAY AND COMPENSATION.

(a) **RATES OF PAY OF OFFICERS AND EMPLOYEES OF THE FEDERAL GOVERNMENT.**—(1) No adjustment of rates of pay of officers and employees of the Federal Government may be made under the following provisions of law in fiscal year 1988:

(A) Section 5305 of title 5, United States Code, relating to rates of pay under certain statutory pay systems.

(B) Section 5307 of title 5, United States Code, relating to pay fixed by administrative action.

(C) Section 5318 of title 5, United States Code, relating to rates of pay for positions of the Executive Schedule.

(D) Section 5343 of title 5, United States Code, relating to the pay of prevailing rate employees.

(E) Section 5348 of title 5, United States Code, relating to the pay of officers and members of crews of vessels.

(F) Section 5382 of title 5, United States Code, relating to rates of basic pay for the Senior Executive Service.

(G) Section 5402 of title 5, United States Code, relating to rates of pay under the performance management and recognition system.

(H) Section 1009 of title 37, United States Code, relating to monthly basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services.

(I) Section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31).

(J) Section 403 of the Foreign Service Act of 1980 (94 Stat. 2088; 22 U.S.C. 3963), relating to salary rates under the Foreign Service Schedule.

(K) Any other provision of law that provides for the adjustment of rates of pay by reference to any provision of subchapter I of chapter 53 of title 5, United States Code.

(2) Paragraph (1) shall not apply to any increase in a wage schedule or rate which is required by the terms of any contract referred to in section 9(b) of Public Law 92-392 (86 Stat. 574).

(b) **VETERANS COMPENSATION.**—It is the sense of Congress that the rates of compensation of veterans under chapter 11 of title 38, United States Code, and the rates of dependency and indemnity compensation under chapter 13 of such title should not be increased in fiscal year 1988.

● Mr. MURKOWSKI. Mr. President, I rise to offer a technical amendment to S. 1859, a bill I introduced Tuesday, November 10.

The purpose of S. 1859 is to freeze increases in Federal salaries and benefit payments where those increases are based on the change in an index—for example, the Consumer Price Index. Upon further review, it appears that the bill, as drafted, could be construed to affect only automatic increases, that is, increases which result from a preexisting statute which requires a particular increase in payment based on a particular increase in an index.

In order to clarify this situation, I submit this amendment which will leave no doubt that all Federal salary and benefit payments—including the salaries of the Members of Congress—are to be frozen at their current levels. The result of this bill, Mr. President, is to reduce the Federal deficit more than \$12 billion in fiscal 1988 and at more than \$40 billion over the next 3 years.

I again urge my colleagues to face these hard issues squarely. We cannot ignore our responsibilities here because there is an economic summit somewhere else. The voters did not send us here to wait. They sent us here to act.

This is a fair measure which will effect meaningful change. We owe our constituents no less. ●

INDIAN FINANCING ACT AMENDMENTS

INOUE AMENDMENT NO. 1195

Mr. BYRD (for Mr. INOUE) proposed an amendment to the bill (S. 1360) to amend the Indian Financing Act of 1974, and for other purposes; as follows:

At the end of the committee amendment, add the following:

SURETY BOND GUARANTEES

SEC. 5. The Indian Financing Act of 1974 is amended by inserting the following new section 217A after section 217:

"SEC. 217A. (a) The Secretary may guarantee and enter into commitments to guarantee a surety against loss as the result of a breach by a principal of the terms of a bid bond, payment bond, or bonds ancillary and coterminous therewith, if:

"(1) the principal is an Indian tribe, an Indian, or an economic enterprise as defined in section 3;

"(2) the contract involved does not exceed \$1,250,000;

"(3) the bond is required if the principal is to be a qualified bidder on a contract or a prime contractor or subcontractor on the contract;

"(4) the principal cannot obtain the bond on reasonable terms and conditions without the guarantee;

"(5) there is a reasonable expectation that the principal will perform the conditions of the contract;

"(6) the contract meets requirements established by the Secretary for feasibility of successful completion and reasonableness of cost;

"(7) the terms and conditions of the bond are reasonable in light of the risks involved and the extent of the surety's participation; and

"(8) the guarantee or commitment limits the obligation of the Secretary to 90 percent or less of the loss incurred and paid by the surety as the result of the principal's breach of the contract and includes such terms and conditions as the Secretary may prescribe in general or as the Secretary determines on the basis of the Secretary's experience with the particular surety or, in the case of an application for a guarantee on behalf of an enterprise that is less than 100 percent Indian owned, the guarantee or commitment limits the obligation of the Secretary to not to exceed 90 percent of the contract amount that is proportionate to the percentage of Indian ownership of the economic enterprise.

"(b) The terms, conditions, and procedure prescribed by the Secretary for reimbursing a surety for the losses paid by the surety may include monthly billing by the surety to the Secretary for losses paid by the surety and payment by the Secretary based upon prior monthly payments to the surety, with subsequent adjustments by the Secretary as may be appropriate.

"(c) The Secretary may audit in the surety's office the documents, files, books, records, and other material relevant to a guarantee or commitment to guarantee under this section.

"(d) The Secretary shall establish reasonable fees to be paid by principals and premiums to be paid by sureties and shall deposit them in the Loan Guarantee and Insurance Fund under section 217 of this Act. A guarantee or commitment to guarantee under this section is a guaranteed loan for purposes of section 217 of this Act.

"(e) In this section—

"(1) 'bid bond' means a bond conditioned on the bidder on a contract entering into the contract if the bidder receives the award and furnishes the prescribed payment and performance bonds;

"(2) 'payment bond' means a bond conditioned on the payment by the principal of money to persons under a contract;

"(3) 'performance bond' means a bond conditioned on the completion by the prin-

principal of a contract in accordance with its terms;

"(4) 'surety' means the person who (A) under the terms of a bid bond, undertakes to pay a sum of money to the obligee in the event the principal breaches the conditions of the bond, (B) under the terms of a performance bond, undertakes to incur the cost of fulfilling the terms of a contract in the event the principal breaches the conditions of the contract, (C) under the terms of a payment bond, undertakes to make payment to all persons supplying labor and materials in carrying out the work under the contract if the principal fails to make prompt payment, or (D) is an agent, underwriter, or any other company or individual authorized to act for such person;

"(5) 'obligee' means (A) in the case of a bid bond, the person requesting bids for the performance of a contract, or (B) in the case of a payment bond or a performance bond, the person who has contracted with a principal for the completion of the contract and to whom the obligation of the surety runs in the event of a breach by the principal of the conditions of a payment or performance bond;

"(6) 'principal' means (A) in the case of a bid bond, a person bidding for the award of a contract, or (B) the person primarily liable to complete a contract for the obligee, or to make payments to other persons in connection with the contract, and for whose performance the surety is bound under the payment or performance bond. A principal may be a prime contractor or a subcontractor;

"(7) 'prime contractor' means the person with whom the obligee has contracted to perform the contract; and

"(8) 'subcontractor' means a person who has contracted with a prime contractor or with another subcontractor to perform a contract.

"(f) The Secretary, within the 180-day period following the date of the enactment of this section, shall promulgate such regulations as may be necessary to implement this section."

NOTICES OF HEARING

GOVERNMENTAL AFFAIRS COMMITTEE

Mr. GLENN. Mr. President, I would like to announce that the Governmental Affairs Committee will hold a field hearing on Saturday, November 21, 1987, at 10 a.m., at the City Council Building, at 101 West Third Street, in the City Commissioner Chamber, on the second floor. For further information, please call Len Weiss, staff director, on 224-4751.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 17, 1987 to hold a hearing on judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcom-

mittee on Mineral Resources Development and Production be authorized to meet during the session of the Senate on Tuesday, November 17, 1987. To receive testimony concerning S. 1120, the "Federal Coal Leasing and Utilization Act of 1987."

The PRESIDING OFFICER. Without objection, it is so ordered.

LABOR SUBCOMMITTEE

Mr. BYRD. Mr. President, I ask unanimous consent that the Labor Subcommittee of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, November 17, 1987 to conduct a hearing on "employment of women in nontraditional work."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, November 17, 1987 at 2 p.m. in executive session to mark up title I of S. 1085, the Nuclear Protections and Safety Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Conventional Forces and Alliance Defense of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, November 17, 1987, in open session to receive testimony on deficiencies and remedies in NATO's conventional defenses.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, November 17, 1987, to mark up pending legislative business items—Senate Resolution 290, printing resolution for Environment and Public Works Committee; original resolution to pay a gratuity to family of deceased Senate employee; and requests by Senate committees for supplemental funding—Senate Resolutions: 304, Agriculture; 306, Armed Services; 311, Finance; 319, Veterans' Affairs; 321, Indian Affairs; 322, Appropriations; and original resolution, Rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on

November 17, 1987, to hold hearings on the nomination of James H. Burnley IV, of North Carolina, to be Secretary of the Department of Transportation and immediately thereafter the nomination of Mary Ann Weyforth Dawson, of the District of Columbia, to be Deputy Secretary of the Department of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RURAL ECONOMY AND FAMILY FARMING

Mr. BYRD. Mr. President, I ask unanimous consent that the Small Business Committee's Subcommittee on Rural Economy and Family Farming be authorized to meet during the session of the Senate on Tuesday, November 17, 1987, to examine the impact of land diversion programs on agricultural support industries.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, November 17, 1987, to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IMPLEMENTATION OF IMMIGRATION REFORM

Mr. KENNEDY. Mr. President, under the terms of an amendment I offered during the Senate's consideration in the last Congress of the Immigration Reform and Control Act—known better as the Simpson-Rodino bill—the General Accounting Office is required to make annual reports to Congress on the implementation of employer sanctions under the new law.

The purpose of my amendment was to insure that an objective, independent review would be undertaken on the implementation of the new law to assure that some of the worst fears of those who opposed it would not, in fact, occur without Congress being forced to deal with them. Those fears were that widespread job discrimination might develop because of employer sanctions, or that a major new paperwork burden would be imposed upon employers across this Nation.

The first annual report of the GAO is now available, and while they do not make any recommendations because the new law has not yet been fully implemented, they do note that "in GAO's opinion, the general approach followed during the first year to implement the law has been satisfactory."

Mr. President, I would like to share with any colleagues and readers of the

RECORD the executive summary of the GAO report, and ask that it be printed at this point in the RECORD.

The summary follows:

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, November 5, 1987.
President of the Senate and Speaker of the
House of Representatives.

This is the first of three annual GAO reports required by section 101(a) of the Immigration Reform and Control Act of 1986. The act prohibits employers from knowingly hiring unauthorized workers. Noncompliance can result in penalties (sanctions). Our report describes the initial efforts to implement and enforce the employer sanctions provisions of the act.

The act requires us to review the implementation and enforcement of employer sanctions for the purpose of determining if such provisions (1) have been carried out satisfactorily, (2) have caused a pattern of discrimination against U.S. citizens or other eligible workers, and (3) have caused an unnecessary regulatory burden on employers. Since the act has not yet been fully implemented, this report presents information on actions to date and describes our plans to address these questions in our future work. In addition, we discuss several methodological problems that may preclude us from making conclusive determinations on these matters in our two subsequent reports.

Copies of this report are being sent to the Attorney General; the Secretary, Department of Labor; the Chairman, Equal Employment Opportunity Commission; the Chairman, U.S. Commission on Civil Rights; the Director, Office of Management and Budget; and other interested parties.

CHARLES A. BOWSHER,
Comptroller General.

EXECUTIVE SUMMARY

PURPOSE

To reduce the flow of aliens illegally entering the United States to find work, Congress passed a law in 1986 prohibiting employers from hiring any alien not authorized to work. Employers who violate this law can be fined and/or imprisoned. The law requires GAO to issue three annual reports to Congress on its implementation and establishes procedures for Congress to repeal provisions of the act based on GAO's third report. This is the first report.

BACKGROUND

During the past 15 years, Congress has been increasingly concerned that aliens not authorized to work were taking jobs away from authorized workers and adversely affecting the U.S. economy. In recent years the Immigration and Naturalization Service (INS) has been arresting thousands of aliens who were working in the country illegally. However, federal law did not provide penalties for employers who knowingly hired unauthorized aliens. GAO reported in 1985 that most countries that had enacted laws penalizing employers of unauthorized aliens believed that these sanctions were a deterrent to unauthorized alien employment.

On November 6, 1986, the Immigration Reform and Control Act of 1986 became law. This law (1) contains civil and criminal penalties for employers of unauthorized aliens and (2) requires all employers in the nation to complete an employment eligibility verification form (I-9) for each new employee.

Because of concern that employers—to avoid being sanctioned—would not hire "foreign-looking" U.S. citizens or legal aliens,

Congress added a provision to the law that prohibits employers with four or more employees from discriminating on the basis of a person's national origin or citizenship status. This provision expanded the percentage of the nation's employers who could be charged with discrimination under federal law from about 13 to 48 percent. Employers who violate this provision can be fined.

The law and implementing regulations establish timetables for enforcement and related penalties. The implementation has three phases: a 6-month education period; a 1-year period during which warnings will be issued to first-time violators; and full enforcement of sanctions without a warning against those who violate the law.

The law requires that each of GAO's annual reports review the implementation and enforcement of the employer sanctions law for the purpose of determining whether (1) the law has been carried out satisfactorily, (2) a pattern of discrimination has resulted against authorized workers, and (3) an unnecessary regulatory burden has been created for employers. GAO will also attempt to determine if the anti-discrimination provision creates an unreasonable burden for employers.

The law states that Congress may use expedited procedures to repeal both the employer sanction and anti-discrimination provisions if GAO's third annual report finds a "widespread pattern" of discrimination caused "solely" by the sanctions provision. If GAO's third annual report finds "no significant discrimination," or alternatively finds an unreasonable burden for employers, the law provides expedited procedures for Congress to repeal the anti-discrimination provision.

RESULTS IN BRIEF

In GAO's opinion, the general approach followed during the first year to implement the law has been satisfactory. So far, the data on discrimination related to the law has not shown a pattern of discrimination or unreasonable burden on employers. However, because of the many factors involved, GAO may not be able to isolate and measure the effects of employer sanctions on any identified discrimination. Insufficient data exist for GAO to determine if the act's regulatory burden on employers is unnecessary and it is unlikely such data will be available.

PRINCIPAL FINDINGS

Satisfactory Progress In Educational Phase of Implementing New Employer Sanctions Law During First Year: INS efforts to implement the law have primarily focused on educating the public about the law to help assure voluntary compliance. Handbooks explaining the law have been mailed to the nation's estimated 7 million employers and INS has begun a national media campaign to educate the public.

Planned Enforcement Approach: INS plans to allocate about \$60 million during fiscal year 1988 to implement the law's employer sanctions provision. With this amount, INS plans to target about 20,000 employers for compliance investigations. In addition, Department of Labor employees, who visit 60,000 employers annually to enforce various labor laws, began on September 1, 1987, to also inspect employers' I-9 forms for compliance.

As of October 7, 1987, two employers have been served notices under the law for knowingly hiring unauthorized aliens.

No Pattern of Discrimination: As of September 1987, 67 alleged employer violations of the law's anti-discrimination provisions

have been filed with federal agencies—44 are in process and 23 were closed.

The Equal Employment Opportunity Commission—the agency that administers title VII of the Civil Rights Act of 1964 prohibiting national origin discrimination—had received 52 charges related to employer sanctions. Most of these charges were still in process as of September 1987.

The Office of Special Counsel in Justice—responsible under the law for prosecuting discrimination charges—had received 15 charges related to employer sanctions. Two have been dismissed, one withdrawn, and the rest are under investigation. An additional 34 charges have been filed with four state and local government agencies.

The discrimination charges under investigation do not, in GAO's opinion, constitute (1) a pattern of discrimination or (2) an unreasonable regulatory burden for employers. INS has just begun to enforce the law's sanction provision. Thus, until now, employers have had little reason to not hire "foreign-looking" citizens or legal aliens to avoid being sanctioned.

Once full enforcement begins, GAO may still not be able to determine if any discrimination that does occur is caused "solely" by employers' fear of sanctions. Various federal officials with experience in discrimination cases said that normally judges' decisions in cases of discrimination do not specify what caused the discriminatory act. Furthermore, no data exist on the number of persons who applied for the estimated 67.5 million jobs filled each year who are not hired because of employers' fear of sanctions. Without this information, it may not be possible for GAO to determine what is a "widespread pattern" of discrimination versus "no significant" discrimination.

Data Limitations May Preclude Determining If An Unnecessary Regulatory Burden Exists: GAO believes that the ultimate test of whether the burden imposed on employers is worth the costs involved is the extent to which these activities are accompanied by and contribute to desired reductions in unauthorized alien employment and illegal immigration. Unfortunately, it will be extremely difficult, if not impossible, to conclusively establish such a cause/effect relationship. Further, even if no progress is realized, the employer requirements may still be a necessary part of a revised strategy.

GAO has selected three indicators of the law's effect on illegal immigration and will use these and other data in its subsequent annual reports. Although these indicators are the best available, they are difficult to measure and may be influenced by many factors other than employer sanctions. Therefore, it is likely that the results of GAO's future analysis of the law's effect on illegal immigration may be inconclusive.

Based on public comments, INS revised its regulations to reduce the burden on employers and placement agencies who recruit or refer job applicants to employers for a fee.

RECOMMENDATIONS

Because the act has not been fully implemented, and limited data is available on many of its key features, GAO is not making recommendations in this report.

AGENCY COMMENTS

To meet the mandated reporting date in the act, GAO did not obtain agency comments on the draft report. However, GAO discussed the contents of the report with officials from INS, Office of Special Counsel, Department of Labor, and the Equal Employment Opportunity Commission and in-

cluded their comments where appropriate. These officials generally concurred with the report.●

PASCAL DILDAY

● Mr. WILSON. Mr. President, California has recently lost a dear friend, a man who during his lifetime gave so freely of himself to enrich his San Diego community, and whose countless good works reached beyond city boundaries to be felt throughout the entire State.

Pascal Dilday was a consummate San Diegan, passionate about his community and compassionate when that community called upon him to lend his good name, his leadership, his foresight to so many worthy causes. It is not every man who can generate the admiration, respect, and sheer affection of an entire city, but it was certainly Pascal Dilday who did.

His legacy lies in his positive spirit which enveloped us all, and in the breadth of his friendship which he bestowed generously and willingly. Pascal's legacy rests with the University of Southern California and its Trojans, for he was the school's quintessential booster (and its star quarterback in 1932), and with the innovative automobile dealership which enriched San Diego's business sector for so many years.

We will never forget how Pascal loved California and how California loved him in return. I take great pride in honoring his memory in this Chamber of the U.S. Senate on behalf of all Californians.●

NATIONAL ARTS WEEK

● Mr. DOMENICI. Mr. President, as the Senator from a State that is home to some of the most talented artists in our Nation, I am pleased and honored to join my colleagues in celebrating "National Arts Week."

The first National Arts Week opened, appropriately, on September 23, 1985, the 20th anniversary of the founding of the National Endowment for the Arts. On that day, the Federal Government, national arts groups, State arts agencies, and over 800 local arts groups initiated a cooperated effort to support the many talented individual artists and companies.

During the past 2 years, National Arts Week has enjoyed tremendous success and growth.

This week I would like to focus on the need to continue this cooperative effort. Each year when we celebrate National Arts Week we bring new opportunity to set and achieve new goals for the arts in this country.

With the help of many, we can make National Arts Week 1987 the most successful yet. The combination of public and private commitment guarantees this.

From the dawn of civilization, men and women have used music, dance, and the visual arts to transmit their heritage and express human joys and sorrows. Our first record of man's perception of the world around him was through art scratched on cave walls, carved in stone, or modeled in clay.

Mankind's need to make, experience, and comprehend art seems almost as deep as our need to speak. It is through art that we understand ourselves and our potential.

More importantly, perhaps, it is through art that we will be understood and remembered by future generations.

Our country's love for the arts is a real cause for celebration. Art teaches us about our rich and diverse cultural heritage. To understand fully our history, we must understand fully each available component. To omit the arts would deprive us of a significant part of our history.

The arts offer an expression of our national identity. They add to our fundamental strength by inspiring and stimulating. The arts contribute to the positive mental attitudes among the citizens of our Nation, providing an escape from the everyday realities of life.

Additionally they provide an alternative means of expression, which helps us to better understand each other. Through our knowledge of the arts, we can further benefit from our own differences.

In 1984, the Department of Education's "Commission on Excellence in Education" conducted a study on the place of the arts in our school's curriculum. The Commission pointed out that a problem currently lies in the balance in the curriculum in our schools. We as a nation focus too much on technical and occupational skills, leaving too little time for studying the arts. It would be appropriate for us to spend a part of this week to reconsider our priorities.

The knowledge we have in the areas of science and technology must be spiced by the knowledge of the humanities. The arts challenge and extend human experience, providing a distinctive way to understand human beings—a complex system of expression providing an informed insight enabling us to understand life's deeper meaning. Art is both the inspiration and consequence of human thought; a product of the mind.

In a nation based upon our commitment to freedom of imagination, thought and expression, we are obligated to continue to support our many aesthetic and cultural traditions.

I encourage my colleagues to join me in commemorating National Arts Week.

Mr. President, the first major exhibit of the works of Georgia O'Keeffe are currently on display at the Nation-

al Gallery of Art. I ask to have printed two articles about the New Mexican artist, one which appeared in the November issue of Museum and Arts magazine, and another that was in the New Mexican.

The material follows:

GEORGIA O'KEEFFE—PIONEER

(By Nancy G. Heller)

This story has everything—sex, power, money, fame, exotic locales, and impassioned court battles. Young midwestern art student, highly intelligent and strikingly attractive, comes to the Big City and meets worldly, successful, much older man. He promotes her work; they fall in love and become one of the New York art world's most famous couples. Later she moves to a New Mexico ranch where she cultivates a reputation as an eccentric hermit, continuing to paint and to enjoy tremendous critical and commercial success.

At the age of eighty-six, she hires a twenty-seven-year-old man as her business manager-assistant, adding considerable grist to the gossip mill. When she dies, relatives contest her will, which names him as sole executor.

It sounds like a Harlequin Romance: no wonder countless writers (and readers) have been fascinated with the life and times of painter Georgia O'Keeffe, and her relationships with her husband, the photographer, editor, and art dealer Alfred Stieglitz, and her companion, artist Juan Hamilton.

She was, by all accounts, a remarkable woman. The most remarkable thing about her was not her personality, however, but her painting. Art writers have long acknowledged the seminal role her work has played in American art history. Judith Zilczer, Historian of the Hirshhorn Museum and Sculpture Garden, calls O'Keeffe "one of the most important American artists of the twentieth century," and critic John Russell commented: "It would be difficult to imagine American painting in the first half of the twentieth century without the presence of Georgia O'Keeffe." The ultimate proof of her professional stature lies in the placement of her *New York Times* obituary—on the front page of the first (news) section rather than "Arts & Leisure."

O'Keeffe deserves this kind of star treatment, as a pioneer American Modernist—one of the very first artists in this country to explore the possibilities inherent in abstraction. While she is best known today for her dramatic pictures of sun-bleached animal bones and gigantic flowers, O'Keeffe's earliest work was bold and influential enough to assure her place in art history, even if she had never painted anything again.

As early as 1916 Georgia O'Keeffe was producing remarkably advanced work—totally abstract watercolors and charcoal drawings that considered of just a few, spare, curving marks in one or two colors against a white background. To understand what was so radical about these works, and why art historians make such a fuss over them, they have to be viewed in a larger context. By 1916 even the most avant-garde French and German artists were just beginning to deal with pure abstraction, and the most significant modernist movements were still in their infancy—Fauve and Expressionist art had only been recognized for a decade, Analytic Cubism was just five years old.

Moreover, O'Keeffe was not working in Paris or Munich; she was living, at that point, in rural west Texas. And the American art world—even in New York—was far more conservative than its European counterparts. The American tradition of realism—essentially unswerving since colonial days—remained strong. In 1908 John Sloan and his fellow painters of the so-called Ash Can School had provoked U.S. gallerygoers and critics by exhibiting in New York's Macbeth Galleries a collection of pictures representing the seamier side of everyday urban life (cats picking through the garbage cans in deserted alleys, and women having their hair dyed in full view of passersby on the crowded streets of the lower east side). Reviewers despaired at what they perceived as vulgar, even disgusting subject matter and sloppy technique—and, mind you, these were still realistic pictures, describing all too clearly identifiable situations.

It is therefore not surprising that New York art viewers reacted with even greater alarm to the International Exhibition of Modern Art (better known as the Armory Show) held in 1913. This exhibition included more than two thousand artworks and marked New York's first largescale exposure to European Modernism, including audacious canvases by the likes of Henri Matisse and Wassily Kandinsky, plus—most notoriously—Marcel Duchamp's *Nude Descending a Staircase #2* (1912), which most onlookers thought had no subject. And, in 1913, a painting with no identifiable subject simply was not considered art.

How extraordinary it was, then, for Georgia O'Keeffe—a Wisconsin-born woman who had been supporting herself as a schoolteacher in Amarillo—to start experimenting with completely nonrepresentational art just a few years after the Armory Show. Of course, O'Keeffe did not emerge from a cultural vacuum. By 1916 she had already spent several years studying in New York with a number of vanguard teachers, and after her now-legendary first encounter with Stieglitz (whom she scolded for hanging several of her works without her knowledge), O'Keeffe became part of his stable (along with John Marin, Marsden Hartley, Max Weber, and Arthur Dove, now labeled first-generation Modernists), and exhibited regularly at "291" and his other pioneering galleries.

But O'Keeffe stood out—even in the company of these influential artists. In addition to being the only woman in the group, she produced its most consistently radical, and most individualistic art. Whereas most of Stieglitz's other protégés were clearly influenced by particular aspects of European Modernism (Weber, for example, went through a lengthy Cubist period, and Marin's work shows obvious references to Futurism), O'Keeffe's pictures cannot be labeled. Certainly, they contain elements of Surrealism (as in the juxtaposition of unrelated objects—such as a cow skull and a pink rose) and of the American movement known as Precisionism (seen in the tightly controlled brushwork and the clear edges of her forms). But neither her works nor the artist herself can be made to fit comfortably within any one artistic category.

O'Keeffe's paintings are unlike anyone else's—her representational pictures and her pure abstractions are original. Just as O'Keeffe's letters (a selection of which have been published—for the first time—in the National Gallery of Art's catalogue) reveal her to have been a far more complex person than indicated by her public persona, so her art is intriguing on many levels.

Take, for example, O'Keeffe's approach to subject matter. Even though her single most significant art-historical contribution lay in the early, pure abstractions, O'Keeffe continued producing art for seventy years thereafter—some of it non-representational, but most featuring clearly recognizable subjects. Interestingly, neither the people nor the other animals, such as her chow dogs, to whom O'Keeffe was closest, show up in her pictures. Instead she painted the objects and the land around her: New York City skyscrapers, Lake George barns, and the New Mexico desert, plus loving portraits of individual seashells and stones, and one of the subjects with which she is most closely identified, flowers.

O'Keeffe's oversized blossoms can serve as a sort of compendium of the principal aesthetic issues raised by her art: varying degrees of abstraction, especially as seen in her use of the series format; the presence or absence of erotic and other symbols; the significance of scale; and paintings that were meant to be hung in more than one position.

O'Keeffe's pictures are almost never completely abstract. Like other early Modernists such as Alexander Calder, Arthur Dove, and Wassily Kandinsky, O'Keeffe created stylized images based on nature, and even her most abstract paintings retain a sense of the organic, relating to some sort of landscape view or growing thing. Although her subjects may seem conventional, O'Keeffe's treatment of her flower pictures is anything but. One of the best illustrations of this phenomenon is her six canvas series called *Jack-in-the-Pulpit* (1930). O'Keeffe's first picture is an iconic image of a single large flower surrounded by a mass of curving leaves. The second painting repeats the same image, simplified: here, the artist is experimenting with the positive-negative effects of the spaces around the flower, each of which has become an important part of the overall design. By this point the flower itself has become a design element, and lost its literal identity as a flower. Each subsequent *Jack* becomes more spare, more generalized, and less recognizable—No. 6 is a sensuous study of purplish, green, and white curving shapes that fill up the entire canvas, but are no longer identifiable as either blossoms or leaves.

It is clear from O'Keeffe's flowers—painted from a vantage point so close that the subject typically extends beyond the canvas—that she is attracted by the abstract, formal quality of these blossoms as much as their scents, or any other aspects. O'Keeffe's flowers exhibit none of the botanically precise details of plant studies by da Vinci or Dürer; nor do their textures mimic those of the actual plants, as do fifteenth-century Flemish flower paintings or twentieth-century photo-realist ones. And the same point can be gathered from her other subjects. For example, New York City skyscrapers, which look fairly realistic and detailed at first glance, turn out to be highly stylized, flat compositions that simply suggest huge monoliths with their billowing smoke and multicolored lights. This approach to subject matter is further demonstrated by the way O'Keeffe paints her series of animal bones. While she made numerous relatively straightforward depictions of pelvises and whole cow skulls, she was clearly drawn to particular design elements within the bones—usually an opening of some sort. In her pelvic bone structure, for instance, O'Keeffe begins with a long view of the structure, coming progressively

nearer, focusing in more and more specifically on one hole and the pattern of blue sky as framed by that hole. In the same way she will focus on a single doorway or window in a building's wall.

Ever since her earliest one-woman shows, critics have been debating the presence—or absence—of symbolic content in O'Keeffe's work. The artist herself consistently denied that it was there, but many viewers find symbolism, particularly in her paintings of flowers. When her two-and-one-half-by-three-foot flower pictures were first exhibited in the twenties, critics had a field day interpreting the plants' oversized reproductive systems in light of Freudian theories, which were in vogue then. One reviewer referred to O'Keeffe's blossoms as "primordially libidinous," and many gallerygoers were shocked at their explicitness. Some writers saw a relationship between the emphasis on curvilinear, multiple-layered floral forms and O'Keeffe's own sexual identity as a woman—a relationship she also denied. And others said that flowers were traditionally a "feminine" subject, forgetting that some of the most notable flower painters in the Western world—such as the seventeenth-century Dutch and Flemish artists who devoted themselves exclusively to flower still lifes—were men, and that such prominent nineteenth-century male artists as Vincent Van Gogh and Claude Monet have become strongly identified with floral subjects.

Even if she may have had some subconscious interest in symbolic content, it seems clear that she was interested in painting flowers for the same reason she chose her other subjects: because she was intrigued by their colors and shapes. In a similar vein, O'Keeffe steadfastly maintained that she painted so many animal skeletons because she saw many of them around her desert home, and because she became fascinated by their formal qualities—not as some sort of musing about death. Certainly, O'Keeffe was aware of the tradition of *vanitas* painting, in which various symbols, including skulls, appear as reminders of mortality. But her bone paintings are not about death; they are about observation.

Moreover, O'Keeffe's position as a woman artist has been the subject of some considerable debate. She was certainly not the only woman to play a major part in the development of Modernism. Sonia Delaunay, Natalia Goncharova, and Paula Modersohn-Becker come to mind as important innovators working in the styles known as Orphic Cubism, Rayonism, and German Expressionism, respectively. And there had been celebrated professional female artists serving Western popes and monarchs at least since the sixteenth century. But O'Keeffe was one of the first American women to achieve the kind of success she did, setting sales records and winning major critical attention from the start of her public career. It should be noted that O'Keeffe did not like being referred to in terms of her gender rather than her work. In 1943 she said, "The men like to put me down as the best woman painter. I think I'm one of the best painters."

The question of scale is another important aspect of O'Keeffe's art. Many of her pictures are quite large—such as the astonishing eight-by-twenty-four-foot *Sky Above Clouds IV* (1965). But everything she painted seems enormous. Even the so-called small-format still lifes (a plate of purple grapes or a single clamshell, many of the canvases only seven-by-nine inches) give the

impression of grandeur. Here again, the flower paintings are instructive.

Earlier examples of flower paintings were not generally as large as O'Keeffe's. When asked why she exaggerated their size to such a degree, the artist explained that actual flowers are so small that people don't bother to look at them closely, and that if she painted flowers on a small scale, nobody would notice them either. Instead she made her flowers very large, to attract the viewer's attention and force them to take a second look. In this way, O'Keeffe said, "I will make even busy New Yorkers take time to see what I see of flowers."

Several writers have also suggested that O'Keeffe's scale may have been influenced by the photographic enlargements made by Stieglitz and his colleagues. But in some respects O'Keeffe's giant blooms have more in common with the late water lily panels by Monet, which are so large that they literally surround the viewer, creating an entirely new visual environment. O'Keeffe's pictures aren't as big, but their sheer size both shocks observers and entices them into spending additional time looking at the paintings in order to get a sense of the whole.

One other issue that arises in terms of O'Keeffe's art is the matter of which end is up. Since she lived ninety-eight years, and was hardly shy about making her opinions known, it seems odd that there could be questions about the physical orientation of her art. And in most cases, it is clear how O'Keeffe wanted her paintings displayed. However, there are some instances where there may be no single, correct way to hang her work. In the voice-over for Perry Miller Adato's superb film celebrating the artist's ninetieth birthday, O'Keeffe mentions that one of her floral pictures, *Black Hollyhock, Blue Larkspur* (1930), was designed to be an effective composition when seen with any of its four sides on top. To complicate matters further, Jack Cowart, the National Gallery of Art's Curator of Twentieth-Century Art and, with Juan Hamilton, cocurator of its O'Keeffe centennial show, notes that, while preparing for this exhibition, he and his colleagues came across documentary evidence, such as old installation photographs of O'Keeffe's shows at the Stieglitz galleries, indicating that in several cases the presumed tops of various pictures were not originally so designated. Even more surprisingly, other documents (including letters) demonstrate that the orientations chosen for the illustrations in the artist's 1976 autobiography are not always the ones she had selected initially. For example, *The Lawrence Tree* (1929), a wonderfully offbeat composition with a Japanese-inspired sense of flatness to the bark and a magical view of the stars overhead, is reproduced so that the treestand points toward the picture's upper left-hand corner. But one of her letters clearly states that *The Lawrence Tree* should look "as though it were standing on its head"—hence its orientation in the National Gallery's show.

As this exhibition makes abundantly clear, Georgia O'Keeffe was a painter who produced challenging, powerful works of art for seven decades, but whose greatest contributions occurred between roughly 1916 and 1950. Unlike the paintings of Rembrandt and Monet, who produced major masterpieces well into old age, O'Keeffe's work was significantly diminished by a series of physical ailments, most notably the severe deterioration of her eyesight during the later years. But as Juan Hamilton has pointed

out, she never stopped working; until the end, when she had an idea, she pursued it, in whatever ways she could manage. It is this sense of tremendous physical and emotional vigor, an almost willful refusal to accept the infirmities of age, and her intense affection for the beauty of the world around her, that makes O'Keeffe seem like such a heroic, almost mythic figure. The quintessential rugged individualist, she followed in the footsteps of American painters like Winslow Homer and Thomas Eakins, by living and working in precisely the way she preferred, ignoring societal pressures to the contrary. Asked to explain the basis for her considerable achievements in a 1963 interview, O'Keeffe said, simply: "I've always known what I've wanted—and most people don't."

O'KEEFFE—NATIONAL EXHIBITION PROVES ARTIST PAINTED MORE THAN JUST FLOWERS (By Gaynelle Evans)

Georgia O'Keeffe saw the world in big, bold strokes. Her most frequently exhibited works show flowers, bleached animal bones, desert landscapes and flowing abstractions, poised on canvas, as if waiting to explode.

A new O'Keeffe exhibition, however, seeks to prove that the artist saw and painted a world with more variety than that.

O'Keeffe was a feisty, independent woman, credited with having helped legitimize abstraction in art. The artist, who died in 1986 at the age of 98, would have been 100 years old on Nov. 15.

"One of the stereotypes of O'Keeffe is that she was a flower painter," says Jack Cowart, a curator of 20th century art for the National Gallery of Art in Washington, D.C. "However, there is a fresh, unexpected side to her art as well. People don't think of her as having painted miniatures, nudes or towering cityscapes, with streets that recede like the bottom of a Southwestern canyon. But she did."

The Centennial Exhibition of Georgia O'Keeffe opened Nov. 1 at the National Gallery and runs through Feb. 21, 1988, before traveling to other cities. The exhibition features 120 O'Keeffe works, completed between 1915 and 1965.

On March 5, 1988, the exhibition will travel to the Art Institute of Chicago, where it will remain through June 19. The exhibit then will hang at the Dallas Museum of Art, from July 31 to Oct. 16 and at the Metropolitan Museum of Art, in New York, from Nov. 19 to Feb. 5, 1989.

"Until abstraction, it was not possible for women artists to paint as women," says artist Judy Chicago, whose room-sized sculpture, *The Dinner Party*, pays tribute to O'Keeffe and other famous women. "O'Keeffe was one of the first to understand that. The power of her paintings comes from their content. Their persuasiveness comes from her passion and personal vision."

Her fame began to spread shortly after she met Alfred Stieglitz, a New York photographer and impresario, who first exhibited her work in 1916. They married in 1924. Stieglitz introduced the woman and her art to New York's inner circle of progressive artists.

O'Keeffe painted as she lived: largely to please herself. Her independent and original life frequently is celebrated more than her art.

After Stieglitz's death in 1946, O'Keeffe moved to Abiquiu, N.M., permanently, where she lived and worked almost until her death. Despite her annual exhibitions, she

was viewed by many as a desert recluse; a coward who refused to fight the battles raging at the forefront of the art world.

"I think that O'Keeffe's stature as an artist has not yet been fully recognized," says Chicago. "There has been more emphasis on the myth than her output. The myth was not anywhere as important as the nature of her work."

In 1985, Cowart and Juan Hamilton, cocurators for the new exhibition, began plans to mount an exhibit to dispell the myths surrounding O'Keeffe and emphasize her talent and contributions to art.

The centennial exhibit is the first important retrospective on the artist mounted since 1970. However, Cowart and Hamilton note, the exhibition is by no means a complete retrospective. In fact, excluded from the exhibition are O'Keeffe's works completed after 1965, when she began to lose her sight.

"She painted oils, watercolors and pastels, after 1965," Hamilton says. "They are not the major works of her career. They are subjects for another exhibition."

While the exhibit features some of O'Keeffe's well-known pieces, including *Two Calla Lilies on Pink* (1927) and *Cow's Skull with Calico Roses* (1931), it also includes surprises, Cowart says, a collection of her rarely exhibited pastels, charcoals, pencil drawings and watercolors on paper.

Other surprises in the show, he says, are her nearly two dozen miniature paintings on canvas, all approximately the size of a sheet of typing paper.

The artist is known for large-scale works, such as *Sky Above the Clouds*, a 96-by-288-inch painting.

"We haven't discovered a new Georgia O'Keeffe," says Cowart. "But we should be able to consolidate her position in the center of the wheel, not just a part of the rim."

As if to prove that point, the exhibition catalog, *Georgia O'Keeffe, Art and Letters*, (Little, Brown and Company Inc., hardcover, \$50; soft-cover, \$22) features the artist's works and a collection of 150 letters written by her to such people as Eleanor Roosevelt, Frank Lloyd Wright and Joseph H. Hirshhorn.

"The letters demystify her, show the person behind the myth," says Sarah Greenough, a research curator for the National Gallery. "The same strong, haunting images she created with her palette, she also created with words. The letters are as much works of art as the paintings hanging in the gallery."

"MOST SPIRITUAL AND INNOVATIVE" OF 20TH CENTURY

From a small garage framing a dramatic view of flat-topped Cerro Pedernal in Santa Fe, N.M., sculptor Una Hanbury chipped away at a portrait of Georgia O'Keeffe. It was 1968.

"I hope you understand I don't want to see this portrait until it's finished," O'Keeffe told Hanbury.

Hanbury obliged by concealing her work at the end of each day with a shopping bag. When the portrait was complete, O'Keeffe snatched the wrapper off and inspected her likeness.

"I didn't know you were going to do such a personal portrait of me," O'Keeffe told the sculptor, adding, "I'm very, very flattered."

O'Keeffe died on March 6, 1986, in Santa Fe. At 98, she came close to achieving her dream of living to be 100. She left behind

memories of an iron-willed pioneer with an artistic vision as sharp as the Southwestern light by which she painted.

"All of her work is significant," says Anne Imelda Radiche, director of the National Museum for Women in the Arts, in Washington, D.C. "She is one of the most spiritual and innovative painters of the 20th century."

O'Keeffe, who began exhibiting in 1917, achieved a remarkable career for a woman at that time.

"Women can only create babies, say the scientists, but I say they can produce art, and Georgia O'Keeffe is the proof of it," Alfred Stieglitz declared at her 1923 show.

Stieglitz, the pioneer of fine art photography, launched O'Keeffe's career and married her on a cold day in December 1924.

O'Keeffe was born on Nov. 15, 1887, near Sun Prairie, Wisc. She attended a local school near Madison, then completed junior and senior high school in Chatham, Va. She studied art at the Art Institute of Chicago in 1905 and 1906, and by 1909, worked as a commercial artist in Chicago.

In the fall of 1912, she began a two-year tenure as supervisor of art in public schools in Amarillo, Texas. Her teaching career later took her to the University of Virginia, and Columbia College in Columbia, S.C.

O'Keeffe made her first trip to New Mexico in 1929; she returned every summer thereafter and first visited Ghost Ranch, near Abiquiu, in 1934.

Six years later, she bought the three-wing adobe hacienda at Ghost Ranch that would become her home base and inspiration for more than four decades. Sandstone cliffs towered above the house, and Cerro Pedernal stands like a sentinel to the south.

In 1971, at age 84, O'Keeffe was shocked to realize that the world she saw through blue-green eyes was turning into a blur. Doctors diagnosed an irreversible vision loss, and she stopped painting. She then used young man's vision to recapture her will to create.

One autumn day in 1972, a tall man with a pony tail and mustache knocked on her door. The man was Juan Hamilton, a recently divorced potter and sculptor searching for a fresh start. He was in his 20s; she was 85.

O'Keeffe hired Hamilton to do odd jobs around the hacienda, but required him to take up his art work again. Hamilton built asymmetrical pots on her kitchen table, and O'Keeffe, who had previously shown little interest in ceramics, started experimenting with coiled clay pots.

Her success in clay gradually led her back to painting, and she and Hamilton became inseparably close friends.

"Georgia O'Keeffe lived a very long time," says Radiche. "Because she was an exceptional artist, a woman who was known to be strong and strong-willed, her life and her style can only serve to inspire aspiring artists, both male and female."

MYTHS OF HER LIFE ALMOST OBSCURE POWER OF HER ART

(By Penelope Bass Cope)

When Georgia O'Keeffe died in 1986, the legend surrounding the reclusive 98-year-old artist almost obscured her contribution to 20th century American art.

As a young woman, O'Keeffe had been the mistress of the much older, married photographer and gallery owner Alfred Stieglitz, whom she later married. He championed her art, and she became the subject of many of his most famous photographs.

In the eyes of the avant-garde intellectual Stieglitz, O'Keeffe represented the perfect woman—sensual, stunning, independent and serious—qualities that came through in her art.

Indeed, a disturbing strength and sensibility permeate many of the 100 or so paintings and drawings on view at the National Gallery in Washington, D.C., in "Georgia O'Keeffe 1887-1986," an exhibition continuing through Feb. 21.

O'Keeffe zeroed in on the female essence; not the lace and lipstick of societally approved femininity, but the uniquely creative power of women.

When O'Keeffe first discovered her artistic message in a series of black-and-white charcoal drawings in 1915, she wrote to a friend, "It is essentially a woman's feeling. . . . There are things we want to say—but saying them is pretty nifty."

The vigor of this early abstract series (O'Keeffe worked in series throughout her lifetime, exploring one subject thoroughly until it did no more for her) so impressed Stieglitz that he made it the subject of O'Keeffe's first show in his Gallery 291 in New York.

Some critics resented O'Keeffe's independence and accused her of being masculine. They commented on her arrogance, her will, her ambition and her total absorption in work.

Such words couldn't hinder her drive for self-realization. Each year she left her husband in New York for up to six months to go to New Mexico and bury herself in her art.

"A woman who has lived many things and who sees lines and colors as an expression of living might say something that a man can't," she wrote to a friend about 1925. "I feel there is something unexplored about women that only a woman can explore."

Some of O'Keeffe's comments sound surprisingly familiar. Many of the women who have followed her echo her words. They still complain of a lack of appropriate female role models in the traditionally male-dominated world of fine arts. While O'Keeffe's imagery, which is often abstract, might not always be directly female or sexual, it's hard not to read these qualities into its content.

The flowers in her well-known pictures of white calla lilies, black irises, red poppies and jack-of-the-pulpits are so big the whole blossom can't be confined within the limited space of the canvas. This close-up view draws attention to the sensuous waves of the petals emanating from the flower's mysterious center.

Such pictures, often copied by the artists who succeeded her, have become almost trite, but when O'Keeffe made those pictures they were startlingly sensual and new.

Sometimes her imagery is completely abstract, other times it's representational. Always, though, the artist tries to keep her personality out of the picture.

She refused to sign the front of her canvases, reasoning that her style was signature enough. Nor could she be seduced by declarations of artistic ego, fancy brushwork and bold impasto. For O'Keeffe, form and color say it all.

"IT ALL CAME TO LIFE" AS WASHINGTON SHOW TOOK SHAPE

(By Melissa Adams)

When Juan Hamilton and the National Gallery of Art staff finished the two-week process of hanging Georgia O'Keeffe's paintings for the show that opened eight

days ago, the artist's friend saw something magical.

"It was the culmination of 15 years of work with Miss O'Keeffe," the Santa Fe sculptor said after his return from preview ceremonies Oct. 29. "I was there for two weeks installing the show. At first, the lights weren't set and the paintings just sat there. It seemed cold and gray. But after 10 days, it was magic. It all came to life."

Once the show opened, "everybody seemed to be thrilled. The reviews have been great and there is so much interest," he said.

To Hamilton, the exhibit of 70 years of the late artist's drawings, watercolors and paintings is a memorial to O'Keeffe.

"There is nothing that could say more about her than to see her works on the wall," Hamilton said.

Hamilton, a sculptor, had been a friend and companion to O'Keeffe since 1972. He also is the executor of her estate.

The exhibit has been a complicated but coordinated effort between Hamilton and the National Gallery staff, particularly Jack Cowart, a curator of 20th-century art for the museum.

Hamilton is co-curator of the show and has been a major influence in selecting paintings, installing the art and supervising the production of the impressive catalog from the show.

Because the estate is in New Mexico, the National Gallery staff did much of its preliminary work here.

Hamilton said he started working with art from the estate.

"We had all these wonderful major things, but we wanted to make a conscious effort not to duplicate works that had been in the Whitney Retrospective (Whitney Museum of Art in New York, 1970) or what had been in the Viking book, (*Georgia O'Keeffe*, Viking Press)."

While Hamilton sorted through the paintings from the estate, Cowart traveled around the country selecting pieces from museums and private collections. The two then joined forces and made their choices.

"We wanted an overall view; strong examples of the different pieces of her creative life." Because of this, there aren't as many of her famous flowers or Southwestern landscapes as some art patrons might like.

"We really tried to get other strong images that represented her in different ways and presented fresh aspects of her work."

The eight gallery rooms used for the show were built specifically for the exhibit, which starts with some of the artist's early charcoal drawings and water colors and concludes with her *Cloud* series, including the 24-foot canvas she did when she was 78.

The elaborate setting didn't stop with the eight rooms. Nearly 60 percent of the pieces were reframed for the show, a substantial undertaking.

"A lot of the frames that went out in the 20's and 30's were damaged or changed, and we wanted a consistent look in keeping with the original integrity," Hamilton said.

So he had two or three of her original frames duplicated.

"This was a major undertaking, and the National Gallery has made it a first-class product. Every detail was handled carefully," he said.

The catalog produced for the show was underwritten by Southwestern Bell in St. Louis. *Georgia O'Keeffe Art and Letters* is 320 pages filled with 120 color reproductions, several black and white photographs

and 125 of her personal letters written to friends and fellow artists.

The hardback book published by the museum will sell for about \$50 in bookstores. The soft cover will be available at the museums where the exhibit is shown.

Among other Santa Feans who attended preview festivities were Judge Oliver and Jean Seth, former owner of Jean Seth's Canyon Road Gallery.

"Marvelous" was the word she used to describe the preview night, which included a black tie sit-down dinner for about 350 invited guests.

The Seths considered themselves friends of O'Keeffe. "She was a marvelous person in her own right, very different and very interesting," Jean Seth said.

Seth was O'Keeffe's attorney before he was selected as a U.S. Court of Appeals judge by President John Kennedy. O'Keeffe had attended the opening of Jean Seth's Canyon Road Gallery, and the Seths attended the opening of the Whitney Retrospective.

The Washington, D.C., show was impressive, Jean Seth said.

"I think it was a tribute to 70 years as a successful artist. I don't think there could have been a much better tribute. I think more people now will see her as sort of a goddess of the art world." ●

WATER POLLUTION FROM ABANDONED MINE RUNOFF

● Mr. SASSER. Mr. President, last week the Environmental Protection Agency released the final draft of the 1986 national water quality inventory. This report to the Congress is made biennially and reviews the quality of lakes, streams, and ground water around the country.

While the report shows some improvement of water quality overall, I was most distressed by the assessment of streams in Tennessee. I would like to read a portion of that summary:

The largest single cause of nonsupport (streams which are moderately or severely impaired) in Tennessee streams is surface mining, both active and abandoned sites. Major pollutants emitted by surface mines include acidity, sediment, and toxic materials. In certain areas of the State, water quality in entire watersheds has been destroyed. Most aquatic degradation caused by surface mining is concentrated in the Cumberland Plateau region on the State.

After contacting officials in Tennessee's Department of Health and Environment, I found that the majority of this pollution can be linked specifically to abandoned mine sites in Tennessee. Figures from the study show that of the 5,748 miles of streams assessed, 1,965 were moderately or severely impaired. Of the impaired streams, 915 miles, almost 50 percent, were polluted by the runoff from abandoned mine sites. We can see a clearly defined cause and effect in terms of poor water quality in streams in Tennessee.

I find this cause and effect very unsettling. It points to a shocking failure of the Office of Surface Mining to carry out its statutory mandate.

Now, I know what OSM will say about the situation in Tennessee.

They will argue that since the State lacks primacy, OSM cannot do any mine reclamation. Mr. President, I have grown weary of government bureaucrats hiding behind legal arguments to justify their failure to do their job.

Certainly, Tennessee has a problem with primacy. However, I find little in the law that means this problem should preclude any Federal mine reclamation in Tennessee. What I see in the law is a clear directive to protect the public health and safety from the dangers posed by abandoned mines. As the EPA report makes plainly clear, OSM has failed miserably in this task in Tennessee.

I would further suggest that the link between poor water quality and abandoned mines is not restricted to Tennessee. I strongly encourage my colleagues to review EPA's report and note the problems in their own States. I believe that many Senators whose States have abandoned mines will find that these mines are contributing greatly to poor water quality in their States.

My colleagues will recall that Congress called for quick action in reclaiming abandoned mine sites in the Surface Mining Control and Reclamation Act of 1977. The Office of Surface Mining is charged with carrying out such reclamation efforts. Yet, the situation in Tennessee clearly indicates the Office of Surface Mining is not overly enthusiastic about this task. Indeed, in recent hearings before the Senate Subcommittee on Government Efficiency, the Director of the Office of Surface Mining, Jed Christensen, noted that his office is holding in reserve some \$400 million of the abandoned mine land fund. This is money which is supposed to be used in the field for mine reclamation.

Clearly, Mr. President, it is time that OSM gets on with the job of reclaiming hazardous abandoned mine sites. We cannot afford to see OSM hide behind the legal niceties in an effort to ignore reclamation needs in Tennessee and elsewhere. While there is a valid argument on the question of primacy, there is no excuse for the lack of a Federal presence in mine reclamation in States like Tennessee.

Last Friday, I wrote to Mr. Christensen, and called on him to begin addressing the health and safety problems generated by his policy of neglect in Tennessee. The time for muddying the waters with legal arguments has passed. EPA has made clear to all the grave threats posed by abandoned mines in Tennessee. It is OSM's duty to tackle this problem. To date OSM has failed to live up to this duty. It is my intention to bring an end to this policy of neglect so we can once again have safe, clean rivers and streams in our country. ●

THE VETERANS' HOME LOAN PROGRAM IMPROVEMENTS AND PROPERTY REHABILITATION ACT OF 1987

● Mr. MURKOWSKI. Mr. President, I am pleased to rise to ask my colleagues to join me in supporting the Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987. Earlier this year, the Senate amended H.R. 2672 by substituting for it the language of S. 1801, the Senate-passed Veterans' Home Loan Program Improvements Act of 1987. The bill before us today would implement a compromise agreement reached between the members of the Senate and House Committees on Veterans' Affairs which resolves the differences between H.R. 2672 as first passed by the House and H.R. 2672 as amended by the Senate.

It is hardly necessary to restate the importance of the Home Loan Guaranty Program to America's veterans or to America's housing and housing finance industries. All Americans, not just veterans, have at least an indirect stake in the health of this program. And, as I have previously noted, there is substantial evidence that the Veterans' Home Loan Guaranty Program is in poor economic and policy health. The symptoms include:

Repeated appropriations to replenish the loan guaranty revolving fund;

The VA's inability to reduce the record-sized inventory of VA-owned homes;

Continuing high levels of foreclosures, even during an economic expansion of record duration and unemployment rates at a low level compared to the last decade; and

Continued high average losses to the VA for each foreclosure.

It was in recognition of the vital importance of the VA Home Loan Guaranty Program, and the necessity for reforming the problems which are draining the health of the program, that I began working toward reform legislation in 1985. I am pleased that my concerns and efforts were shared by other members of the committee and the Senate. I have been privileged to work on this issue with the distinguished Senator from California, first when I was chairman of the committee and later as ranking minority member. Together we devised a reform package, many provisions of which are reflected in the legislation before the Senate today. Chairman CRANSTON's and my concerns for the health and importance of the program are shared by our colleagues in the House of Representatives; and the bill before us has the benefit of the insight and the initiative of Chairman MONTGOMERY and Representatives SOLOMON, KAPTUR, and BURTON, and other Members of the House. I commend all of the Members of both bodies and both parties

who have worked so hard to bring this necessary bill to fruition.

I am particularly pleased the bill contains provisions which will protect the financial integrity of this important program. For example:

The VA loss on a foreclosed home is frequently increased because the market value of the home is not equal to the loan amount which was based on an appraised value. The compromise agreement contains a provision establishing qualification standards for appraisers.

The VA loss on a foreclosed home is frequently increased because the property remains in the VA inventory for an inordinately long period of time. The compromise agreement contains a provision which will direct the VA to better utilize the talents and energy of the private sector real estate industry.

The VA frequently loses money when a veteran buyer sells his or her home through an assumption if the assuming buyer subsequently defaults on the loan. Amazingly, although the VA is still required to honor the guaranty on the loan, current law provides no mechanism for the VA to protect itself by ensuring that the new buyer, who need not be a veteran, is creditworthy. The compromise agreement requires the VA, or an approved lender, to determine that the assuming buyer is creditworthy. The agreement also includes a provision to deal with those rare instances where it may actually be in the veteran's and the VA's interest to permit an assumption by a buyer who cannot meet creditworthiness standards. For example, a veteran may be irremediably in default and unsuccessful in finding a creditworthy buyer. In such a case it is conceivable that a buyer with an unsound credit history may offer a higher probability of making his or her payments than the defaulting veteran homebuyer.

The compromise agreement increases the maximum amount of the VA Home Loan Guaranty from \$27,500 to \$36,000. The increased guaranty amount will reflect increases in housing costs by making no- or low-downpayment VA-guaranteed loans available for the purchase of more expensive homes. This provision will be particularly important in areas of the country, such as Alaska, with a high cost of housing.

I am particularly pleased that the increase in the maximum guaranty amount is linked to a reduction, from 60 percent to as low as 40 percent in the percentage of the loan guaranteed by the VA. This reduction will provide a more equitable distribution, between lenders and the VA, of the risk in loans guaranteed by the VA. The free market is most efficient in allocating resources only when all parties to a transaction share in the risks of that transaction. If lenders share some of

the risk, they are more likely to take steps to ensure the loans are sound. I note that a 40-percent guaranty still provides lenders with double the coverage of the 20-percent downpayment and thus provides ample protection for a sound loan.

The compromise agreement contains a provision giving the VA discretionary authority to sell VA-acquired homes for use in sheltering homeless veterans and their families. Such sales must not adversely impact the solvency of the loan guaranty revolving fund, and the VA must determine there is no significant likelihood the property could be sold for a price which would reduce the defaulting veteran's debt to the VA. These conditions are important because they make it clear that this provision provides a mechanism for making shelter available to the homeless without having the costs borne by the defaulting veteran or the home-buying veterans who depend upon a healthy loan guaranty revolving fund. This provision will allow the VA to sell homes for use in sheltering veterans if the home's condition or surroundings have reduced the market value to a nominal level. It allows the VA to assist the homeless without compromising the sound business standards which are necessary for the long-term stability of the Home Loan Guaranty Program.

Section 6(b) of the compromise agreement includes a provision allowing the VA to include in VA financing of the sale of a VA acquired property—so-called vendee loans—an amount to be used to restore the property to a habitable state. Regrettably, some VA-owned properties have been allowed to deteriorate to a condition in which they do not meet basic standards of habitability. By providing buyers with financing for the rehabilitation work needed to restore habitability, this provision should provide the VA with another tool it can use in marketing the home if it determines a house is so deteriorated it is not otherwise salable. The goal of increasing the salability of these deteriorated homes is further encouraged by a provision which would allow the VA to waive, in the case of deteriorated properties for which financing includes an additional amount for rehabilitation, the requirement of a 5-percent downpayment. I believe the 5-percent downpayment requirement for vendee loans, which originated in the Senate-passed S. 1801, will be an important step in reducing losses to the loan guaranty revolving fund. Vendee loans are made to veterans and nonveterans alike and have the same favorable interest rate and terms as VA-guaranteed loans for veterans. The default rate on vendee loans is inordinately high and therefore causes inordinate losses to the loan guaranty revolving fund. I believe it is appropriate for buyers of VA-ac-

quired properties, who finance their purchase by means of a VA-made vendee loan, to make a small downpayment. This equity should reduce defaults and VA's loss when defaults occur. A 5-percent downpayment and a VA interest rate would still represent very favorable financial terms for a buyer.

I am pleased the compromise agreement contains a provision directing the VA to give appropriate consideration to available state economic data, when such data is available, for establishing standards of residual income for potential homebuyers. The use of State economic data, rather than regional data, should help make VA underwriting standards more equitable between high cost-of-living States and low cost-of-living States in the same region.

I am also pleased the compromise agreement includes a provision relaxing the occupancy requirement for veterans or service members who seek to refinance their VA guaranteed loan. Homeowners whose careers subject them to frequent moves may be temporarily living away from their homes at a time when interest rates go down. This provision will allow these individuals to refinance their homes if they certify they previously occupied the home. In the case of those homeowners who are on active duty, the requirement can also be met by a certification from the service member's spouse that the spouse previously occupied the property. While this provision applies to everyone, it should be particularly important to the members of our Armed Forces. A similar provision allows the occupancy requirement to be satisfied for service members seeking an original loan if the service member's spouse occupies the home. I am particularly pleased with these provisions because they accommodate the frequent moves and temporary, but sometimes lengthy, absences from home imposed on those to whom we look for our national security.

Mr. President, in summary, the legislation before us improves the VA Home Loan Guaranty Program by making the program more useful to the homebuying veteran or service member. At the same time, it makes historic reforms in the operation of the program which should serve to ensure that the program will be as healthy and useful for veterans of the next 44 years as it has been for veterans of the last 44 years.

Before the Senate considers this legislation, I would like to express my appreciation to the staff members whose hard work was essential in drafting legislation from the ideas and concepts developed by the committee. Anthony Principi, Chris Yoder, Tom Roberts, Susan Theroux, and Annie Rothgeb are now with the committee minority

staff and will see the fruits of their labor. Cathy McTighe and Brian Bonnet, while no longer on the committee staff, played an essential role in developing, nurturing, and perfecting the information and ideas upon which this legislation is based.

We are also indebted to Jon Steinberg, Ed Scott, Jane Wasman, Jennifer Loporcaro, Ingrid Post, Charlotte Hughes, and Loretta McMillan, of the committee majority staff, for their efforts on this bill.

I urge my colleagues to join me in support of this legislation. ●

KENTUCKY FRIED CHICKEN IN CHINA

● Mr. MITCHELL. Mr. President, I rise today to insert two articles into the RECORD, both of which appeared last Friday; one in the Lexington (KY) Herald-Leader and the other in the Washington Times.

As the articles point out, capitalism is finding its way into the economy of even the largest communist state with Kentucky Fried Chicken opening a three-story outlet in the shadow of Chairman Mao's mausoleum.

This franchise not only represents a triumph of our economic philosophy but also is indicative of the success and popularity of the Kentucky Fried Chicken chain. In remote corners of the world, the Kentucky Fried Chicken outlet is often the most recognized symbol, not only of my State, but of the United States. I applaud the efforts of this corporation and wish it every success in its future endeavors.

I am inserting these articles so that other Senators may learn of the uniquely broadening appeal of Colonel Sanders' "finger lickin' good" approach to food service.

The articles follow:

[From the Lexington Herald-Leader, Nov. 13, 1987]

COLONEL'S LARGEST EATERY HAS OPENED IN PEKING

(By Michael Browning)

"In a suitable temperature, an egg changes into a chicken."—Mao Tse-tung
PEKING.—Some chicken: This is no wing-and-a-fryer operation.

With a price tag of just more than \$1 million, the world's largest Kentucky Fried Chicken restaurant staged its grand opening yesterday, scarcely more than a stone's throw from the mausoleum of Chairman Mao Tse-tung.

Col. Harland Sanders, whom the Chinese call lao tou ("old head"), has set up shop in the very heart of China's capital.

The eatery is three stories tall, seats 500 and has 12,000 square feet of floor space. It stands right next to the historic hearthstone of Peking, with a grand view of the Square of Heavenly Peace, the golden roofs of the Forbidden City, the columned facade of the Great Hall of the People and the white and gold monument to heroes of the Communist revolution.

"We must never relax our vigilance against the frenzied plots for revenge by the imperialists and their running dogs."—Mao

Things were relaxed yesterday. Chinese acrobats led a traditional lion dance with bells jingling beside an enormous model balloon of a take-away bucket of Colonel Sanders' best. The cheapest meal here, the three-piece dinner, costs just more than \$2. The average Chinese rarely spends more than 50 cents for lunch, which usually is a bowl of dumplings or noodles.

The manager, Tony Wang of Singapore, said: "This is the best location in the world, so it had to be the largest restaurant. It's a fast-food operator's dream come true."

"I don't see us competing with Peking duck, but we're here to supply a strong need."

Wang said there were plans to open further branches in other Chinese cities.

He said the whole restaurant—all three floors—would be open to all comers, both Chinese and foreigners. Customers may pay either a local currency or foreign exchange certificates. The prices are identical.

How much is a bucket of chicken? 50 yuan. That's about \$13.

"We should pay close attention to the well-being of the masses, from the problems of land and labor to those of fuel, rice, cooking oil and salt."—Mao

The 11 secret herbs and spices come from America, but the chickens themselves are Chinese, Wang emphasized. The birds are taken off their standard fish meal diet several weeks before they cluck their last, to improve their flavor. The deep frying vats at the new restaurant can handle 2,300 pieces an hour.

There are 180 beige uniformed Chinese working in the store under foreign trained managers. Most know basic English, but the most common way to order is to point to the photographs on the menu. The workers get a base salary of about \$37 a month, but if they work hard they can double it, one said.

"Waiting leads to great loss."—Mao

The contract for the restaurant was signed with astonishing rapidity, just 10 months ago. The profits will be split 60-40 in favor of the Americans.

The Kentucky Fried Chicken outlet plans to handle between 2,000 and 3,000 customers a day. It is situated on one of the busiest intersections in Beijing, where 150,000 passers-by stream past daily. The largest figure is 45,000 meals a week.

This is a lightning time warp, compared with the average wait in a Chinese restaurant. Formal meals here last two or more hours and even in mass restaurants the lineup can last as long as an hour.

"It has been proved that the enemy cannot conquer by force of arms. However, the flattery of the bourgeoisie may conquer the weak willed in our ranks."—Mao

"I don't feel offended by it," said Weng Min, 67, standing outside the restaurant yesterday. "After all, we are supposed to be opening to the outside world, aren't we?"

Four policemen diving into the carton of chicken, mashed potatoes and cole slaw said, with some surprise, "It tastes not bad." But some other Chinese found the secret blend of 11 herbs and spices somewhat less than fingerlickin' good.

"I felt sick at the smell of it," one said.

[From the Washington Times, Nov. 13, 1987]

COL. SANDERS JOINS MAO AS ATTRACTION IN BEIJING

(By Edward Nielan)

BEIJING.—One hundred yards from the tomb of the Great Helmsman, Mao Tse-tung, in Tiananmen Square and two blocks

behind the Great Hall of the People, two life-size plastic likenesses of Col. Sanders stand guard irreverently in front of the world's largest Kentucky Fried Chicken fast-food restaurant.

Two pieces of finger-lickin' good chicken, a soft drink and a roll sell for nine yuan, or \$2.50. Despite that comparatively high price, there is a line waiting to be served and to take trays of food to seats on the first, second and third floors. Young female attendants wearing beige miniskirts and caps show the way.

It is China's first fast-food restaurant, opened formally yesterday with an official ceremony. Thousands of curious Chinese, many of them tourists from outside Beijing, milled around the edges, but the festivities were by invitation only.

The 500-seat restaurant opened on a limited basis early last month and has been serving 2,000 to 3,000 people a day, with daily sales of 10,000 yuan (\$2,700), said Xia Jue, chairman of Beijing Kentucky Co.

Another 50 yards down the block, in the shadow of Qianmen Street (Front Gate of Beijing's old Walled City), stalls offer stiff competition. A Styrofoam plate with fold-over cover full of rice with a beef and vegetable topping costs two yuan (55 cents); if you have brought your rice coupon, it costs only one yuan and 20 fen (33 cents).

A bicycle parking lot next to a nearby bus station charges two fen (1½ cents) for "all-day parking of your bicycle suitcase."

A man in a blue Mao jacket and cap pedals by slowly on his bicycle carrying a live, squealing pig strapped to the back rack. A younger man in a tweed sportcoat, Reebok running shoes and jeans pedals his bike in the opposite direction, a box labeled "Toshiba color television" strapped to its rack.

A Toyota taxicab honks at passersby, including teen-agers in sweatshirts with slogans "Go Trojans" and "Macao Grand Prix" on their fronts.

The 10 million residents of this capital city, like their 1 billion fellow citizens of the rest of China, are being buffeted by unprecedented change and trapping from the outside world, and they seem to like it. There is no shock of crashing stock markets to try men's souls, but "future shock" is everywhere.

Episodes of "Donald Duck" cartoons run on Sunday morning television in the time slot once reserved for "The East is Red" revolutionary opera.

Speaking of change: It is now possible to direct-dial to South Korea from a Beijing hotel room telephone, even though the two countries have no formal diplomatic relations and communist China is supposed to be a close ally of communist North Korea.

In the lobbies of Beijing's hotels, new and old, reunions are the order of the day, nearly outnumbering Princess Cruise and Lindblad tour groups.

Chinese from Kansas City and Taipei greet and hug friends and relatives from Beijing whom they haven't seen in 30 or 40 years, as China continues its open-door policy.

A reporter who first visited China in 1973 finds increased traffic and increased construction the two most immediately identifiable differences.

Who will be the first composer to set "The Bicycles of Beijing" to music? The literally millions of two-wheelers provide the world's most quiet rush hour. Now the bicycles are joined by automobiles of every nation.

With all the change that official policies of modernization have brought, the inevitable uninvited guest—inflation—has crashed the party and caused confusion. A two-tiered pricing system for residents and foreigners has created a black market.

A Shanghai-produced Volkswagen Santana—similar to the Quantum sold in the United States—costs \$22,000.

At least six Beijing hotels held Halloween costume parties last month. Now, instead of taking a walk through the Forbidden Palace grounds, visiting executives who eat too much at the No. 1 Beijing Duck Restaurant can work it off at the Clark Hatch Health Club in the Great Wall Hotel.

Today, an English-language news nightly broadcast on television is among the best in Asia. ●

INFORMED CONSENT: MAINE

● Mr. HUMPHREY. Mr. President, thousands of women across the country have been joining local support groups called Women Exploited By Abortion. These WEBA groups, as they are called, help women who have encountered devastating effects from their abortions, whether they be emotional or physical. Today, I present a letter from a woman who has started a WEBA group in Maine, and I ask unanimous consent that the letter be entered into the RECORD at the conclusion of my remarks.

The existence of these WEBA groups demonstrates the fact that abortion can and very often does have significant and traumatic effects. Unfortunately, women considering abortion are not always told about the risks, effects, and alternatives of the procedure. I urge my colleagues to support my informed consent legislation, S. 272 and S. 273, which would require medical personnel to properly inform women facing a decision about abortion. Any less is not enough.

The letter follows:

NOVEMBER 1987.

DEAR SENATOR: My name is Jackie Chalmers and at present I am the beginning of a WEBA (Women Exploited by Abortion) group in Maine. I have a phone line into my home that is available to women who need help in dealing with their abortion experiences. The women who call me have in most cases been traumatized. Their abortion experiences may or may not have been recent, but their abortions have obviously scarred their lives and in many cases have left them emotionally handicapped. Their experiences are related to me in tears as they have come to know they have made a wrong decision.

I am responsible for the murder of my 13-week-old baby, when I had an abortion in 1975. I was 23 years old, old enough to make an educated, rational decision. The problem is, that doctors are not required to tell the truth, people don't know the truth, don't want to believe the truth, and don't realize the emotional trauma that is left to scar the second victim of abortion. The human conscience is a mighty thing. We are taught that those who take the life of another should be punished. When you take life from the womb, natural maternal instinct knows that all life is gone. Grief, mourning and most of all shame and guilt creep into

the life of the mother, manifesting itself in nightmares, maternal instincts being smothered, a sense of loss, withdrawal, loss of confidence, lowered self-esteem and self-destructive behaviors. These behaviors are a result in our consciences being taught that we deserve to be punished. I am a witness of these things.

Each abortion performed increases the risk of abnormal pregnancies. I had only one abortion and had both my children prematurely. If only I had known! I tell the school kids I talk to, that a year out of school would have been a better alternative to the pain and remorse I will have for the rest of my life.

There is no way to justify abortion except at the risk of physical life to the mother. The quality of life is the responsibility of the living, to love and care for one another no matter what hand is dealt to us. It has become a matter of convenience to rid ourselves of burdens. We live selfishly and inconsiderate of one another and it is obvious we are paying the price.

Respectfully,

JACKIE CHALMERS,
WEBA, Maine ●

PERSECUTION OF BAHAI'S

● Mr. SIMON. Mr. President, I would like to call attention to the plight of 12 members of the Baha'i faith who face imminent execution in Iran solely due to their religious faith. At least 5 Baha'is have already been executed this year in Iran and more than 200 are currently in prison. All have been persecuted solely for their religious beliefs.

These executions must stop; Iran's policies against the Baha'i must end. I ask the Islamic government in Teheran to reject its current policy of intolerance against the Baha'is and to adhere to the tenets of tolerance and compassion contained in the holy Koran.

According to the National Spirit Assembly of the Baha'is of the United States, following are the names of the 12 Baha'is in immediate danger of execution in Iran:

Mr. Ehsanullah Ayadi.
Mr. Farajullah Saadati.
Mr. Sohrab Dustdar.
Mr. Ramezan-Ali Amuli.
Mr. Behnam Pashai.
Mr. Muhammad Dehqani.
Mr. Ezzatullah Khorram.
Mr. Mehran Tashakkor.
Mr. Farid Zkiri.
Mr. Vahid Qodrat.
Mr. Shahroukh Hoveyda.
Mrs. Parvin Fanaiyan-Edilkhani.

I call on the administration, the United Nations, and other organizations to do their utmost on behalf of these 12 individuals and on behalf of their fellow Baha'is who are also being persecuted throughout Iran.

The media has begun to focus on this issue. I commend the Wall Street Journal for discussing the plight of the Baha'is in an editorial on November 12. I ask that it be printed in the RECORD in full.

The editorial follows:

PERSECUTING THE BAHAI'S

More than 200 members of this persecuted minority have been executed since 1979, with the two most recent state-sanctioned killings taking place two months ago. Several hundred languish in prison, without charge, often subject to torture and other atrocities. The state arbitrarily confiscates their property, they are systematically prevented from earning a decent living, their children are excluded from the educational system, and they are denied freedom to emigrate from the country.

These are the 300,000 adherents of the Baha'i faith in Iran, who are the targets of what can only be described as a genocide campaign by Iran's Moslem fundamentalist theocracy. Iranian religious fanatics act with impunity against the Baha'is, because members of the religious minority are considered "nonpersons" under Iran's constitution, and are therefore afforded no protection in Iranian courts. The Baha'is' only real chance of survival lies with the U.S. and other sympathetic members of the international community.

Iran cares about its standing in the international community. Indeed, condemnation of Iran's gross human-rights violations in United Nations resolutions succeeded in pressuring the government to curb some of its most egregious actions. Its persecution of the Baha'is abated, with fewer reported executions and the release last year of 500 members of the religious minority from Iran's prisons. But when the United Nations turned its sight from Iran, the fundamentalist government stepped up its persecution of the Baha'is.

Iran was merely biding its time, figuring that the U.S. and other concerned members of the international community had short attention spans; that they would not be vigilant in protesting its persecution of the Baha'is. This past May Egypt sentenced 48 Baha'is to prison for practicing their religion. The weak protests of the U.S. and other nations hardly discourages other Moslem nations from following suit.

That a peaceable community such as the Baha'is could come to this plight reveals the danger of Moslem fanaticism. The Baha'i faith is relatively small, with fewer than four million followers world-wide. Its teachings pose no threat to Iran's religious or government leaders. Its adherents are instructed to obey the laws of the governments under which they live and to avoid partisan political involvement. Its religious dogma is certainly unoffensive; it seeks "universal peace" for all humanity.

This aspiration seems consonant with the peaceful, humanitarian principles espoused in Moslem teachings. That Iran's Moslem clergy are so intolerant of the Baha'is (whom they refer to as "misguided infidels"), and advocate their oppression, indicates an inherent hypocrisy in these ruling fanatics. That the government acts on this hypocrisy—jailing, torturing and killing Baha'is merely for adhering to their faith—underscores how important it is that the U.S. and other nations draw attention to Iran's persecuted religious minority. ●

NAUM MEIMAN

● Mr. SIMON. Mr. President, Naum Meiman continues to wait for permission to leave the Soviet Union and emigrate to Israel. Naum is a coura-

geous man, who has suffered for too long. And why has he suffered? Merely because he wishes to leave the Soviet Union and make a home in the West.

An old man, Naum sits in his Moscow apartment and lives out his last years hoping that permission to be re-united with his daughter will be granted. Great efforts must be made immediately to bring some happiness to the remaining years of Naum's life. His health is poor, and time is running out.

I strongly encourage Soviet officials to allow Naum Meiman to emigrate to Israel.●

AN OBSCENE CELEBRATION

● Mr. SIMON. Mr. President, the Chicago Tribune reported that on the night marking the 49th anniversary of Kristallnacht, the infamous night Nazis destroyed Jewish-owned store fronts and burned synagogues in Germany, several synagogues and Jewish-owned stores in the Chicago suburbs were vandalized. This reminds us only too well that violence motivated by religious and racial hatred still exists in the United States, and that we as a nation must do all we can to help find solutions.

I have long been concerned about the occurrence of religiously and racially motivated crime. It is my firm belief that in order to combat these crimes, we need to collect data to identify the problems, determine trends, and target solutions. That is why I have introduced a bill in this Congress, S. 702, the Hate Crime Statistics Act. The bill directs the Justice Department to collect statistics on serious crimes which manifest racial, religious or ethnic hatred.

This bill will not erase the blight of religious or racial violence from our Nation. But I believe it will help officials to identify and combat these ugly incidents. It will demonstrate to the Nation that we are committed to the eradication of crimes of bigotry.

I ask that the Chicago Tribune editorial on this incident be printed in full in the RECORD.

The editorial follows:

[From the Chicago Tribune, Nov. 13, 1987]

AN OBSCENE CELEBRATION

Vandals assaulted synagogues and Jewish-owned stores, painting swastikas and breaking windows, in the Rogers Park and Albany Park neighborhoods early Tuesday in a manner that appeared too well-coordinated to be spontaneous or random. Rather, the acts looked like an obscene celebration of an obscene event in human history.

The night would have marked the 49th anniversary of *Kristallnacht*, the "night of glass" when Nazis broke the windows of thousands of Jewish-owned businesses in Germany and set fire to most of the country's synagogues. Horrible as it was, it offered only a bitter taste of the murderous horror that was to come, an ominous sign of

an impending escalation of anti-Semitism. The Holocaust had begun.

It is tempting to offer the mental defectives who commit such vile acts no more public attention than that which is necessary to catch them and bring them to trial. But that would not be wise. Vandalism aimed at religious and racial minorities is intended to send a message. Society should send a message right back.

The Anti-Defamation League of B'nai B'rith, on the occasion of its 75th anniversary two weeks ago, cited evidence of growing anti-Semitic youth groups around the country. Such movements are born of ignorance and a host of socio-psychological disorders. Their right to free expression is guaranteed by the Constitution, even when they set out to undermine what the Constitution stands for. But the right of minorities to be protected from acts of racial and religious violence, and the right of all people to be secure in their property, is essential if a free society is to survive.

The thugs who showed their contempt for common sense and decency by breaking the windows of innocent Chicagoans may, in the long run, have done society a favor. They reminded everyone of how the horrors of genocide begin. All it takes is for good people to fail to pay attention.●

QUORUM CALL

The ACTING PRESIDENT pro tempore. The Chair, in his capacity as a Senator from Louisiana, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR TOMORROW

ADJOURNMENT UNTIL 8:45 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 8:45 tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on tomorrow, there be a period for the transaction of morning business not to extend beyond 9:15 a.m. and that Senators may speak for not to exceed 3 minutes therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTIONS AND MOTIONS OVER, UNDER THE RULE

Mr. BYRD. Mr. President, I ask unanimous consent that no motions or resolutions over, under the rule, come over on tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar be waived on tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESUMPTION OF ENERGY-WATER APPROPRIATIONS BILL

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be closed at 9:15 a.m. tomorrow and that the Senate resume consideration of the energy-water appropriation bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROLLCALL VOTE

Mr. BYRD. Mr. President, I will suggest the absence of a quorum at that time and it will be a live quorum, and it will be a 30-minute rollcall vote. I ask unanimous consent that the call for the regular order occur at the end of 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. This way, Mr. President, Senators will reach the Chamber early and the Senate can get an early start on acting on the energy-water appropriations bill and amendments thereto, and the earlier final action is reached on that bill the earlier action will begin on the defense conference report.

PROGRAM

Mr. BYRD. Mr. President, there will be rollcall votes on tomorrow. There is a time agreement on the energy-water appropriation bill and I would anticipate that final passage will be reached on tomorrow and that it will be my intent to proceed to the conference report on the defense authorization bill, and there may very well be rollcall votes in relation thereto.

ADJOURNMENT UNTIL 8:45 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 8:45 tomorrow morning.

The motion was agreed to, and at 5:48 p.m., the Senate adjourned until tomorrow, Wednesday, November 18, 1987, at 8:45 a.m.

NOMINATIONS

Executive nominations received by the Senate November 17, 1987:

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. COLIN L. POWELL, xxx-xx-xxxx U.S. ARMY.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

THOMAS E. KOSS, xxx-xx-xxxx

To be major

GEORGE A. CALDWELL, xxx-xx-xxxx
LARRY B. CLARK, xxx-xx-xxxx
JOHN W. DAVIS, xxx-xx-xxxx
JOSEPH L. HEALY III, xxx-xx-xxxx
WALTER S. MOHN, xxx-xx-xxxx
EDDIE W. SHELTON, xxx-xx-xxxx
JOHN C. TWIDDY II, xxx-xx-xxxx

JUDGE ADVOCATE

To be colonel

PETER N. ROGERS, xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

To be major

NICHOLAS D. BOLEY, xxx-xx-xxxx

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE, PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATES AS SHOWN)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. DENNIS C. DALY, xxx-xx-xxxx 7/12/87
MAJ. THORNE A. DAVIS, xxx-xx-xxxx 7/11/87
MAJ. ROBERT A. DAWES, xxx-xx-xxxx 6/23/87
MAJ. JON B. DICKIE, xxx-xx-xxxx 7/21/87
MAJ. JAMES A. EVANS, xxx-xx-xxxx 7/12/87
MAJ. WILLIAM R. HECKMAN, xxx-xx-xxxx 6/9/87
MAJ. MARTIN J. INGRAM, xxx-xx-xxxx 8/14/87
MAJ. JON D. JACOBS, xxx-xx-xxxx 7/1/87
MAJ. HAROLD O. KOLB, xxx-xx-xxxx 5/1/87
MAJ. RONALD G. MEHAN, xxx-xx-xxxx 7/9/87
MAJ. RICHARD L. TESTA, xxx-xx-xxxx 7/1/87
MAJ. WALTER T. THILLY, xxx-xx-xxxx 7/2/87
MAJ. DALTON I. WILLIAMS, xxx-xx-xxxx 7/6/87

LEGAL CORPS

To be lieutenant colonel

MAJ. JAMES E. WILSON, xxx-xx-xxxx 7/1/87

NURSE CORPS

To be lieutenant colonel

MAJ. BONEE B. ERICKSON, xxx-xx-xxxx 3/8/87

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN THAT INDICATED.

LINE OF THE AIR FORCE

To be major

WALTER S. MOHN, xxx-xx-xxxx
LARRY B. CLARK, xxx-xx-xxxx

To be captain

JAMES D. RUSSELL, JR., xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN

THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

ARMY

To be major

JAMES W. ABBOTT, xxx-xx-xxxx
JERRY L. *ACHESON, xxx-xx-xxxx
ROBERT H. ACKER, xxx-xx-xxxx
FRANCIS H. *ADAMS, xxx-xx-xxxx
GREGORY A. ADAMS, xxx-xx-xxxx
JAMES R. ADAMS, JR., xxx-xx-xxxx
JEANNE C. ADAMS, xxx-xx-xxxx
JEFFREY A. *ADAMS, xxx-xx-xxxx
JOHN C. ADAMS, xxx-xx-xxxx
MICHAEL W. ADAMSON, xxx-xx-xxxx
DANIEL J. ADELSTEIN, xxx-xx-xxxx
ROBERT H. *ADKINS, xxx-xx-xxxx
MICHAEL L. *AGGOSTO, III, xxx-xx-xxxx
PAUL P. AGOSTA, JR., xxx-xx-xxxx
DAVID A. AHRENS, xxx-xx-xxxx
DANIEL K. ALBERT, xxx-xx-xxxx
FREDERICK K. ALDERSON, JR., xxx-xx-xxxx
MIGUEL *ALFARO, JR., xxx-xx-xxxx
JOSE L. *ALICEA, xxx-xx-xxxx
CHARLES B. ALLEN, xxx-xx-xxxx
ROBERT E. *ALLEN, xxx-xx-xxxx
VIRGINIA A. *ALLEN, xxx-xx-xxxx
RALPH E. ALLISON, JR., xxx-xx-xxxx
BRUCE *ALSUP, xxx-xx-xxxx
JAMES M. *ALTHOUSE, III, xxx-xx-xxxx
NICHOLAS F. ALTOMARE, xxx-xx-xxxx
JAMES *AMBROGI, xxx-xx-xxxx
REX A. *AMEIGH, xxx-xx-xxxx
PETER A. AMICO, xxx-xx-xxxx
BERNARD *ANDERSON, xxx-xx-xxxx
BRUCE W. *ANDERSON, xxx-xx-xxxx
EUGENE F. *ANDERSON, xxx-xx-xxxx
LEVON *ANDERSON, xxx-xx-xxxx
MELISSA A. ANDERSON, xxx-xx-xxxx
KURT A. ANDREWS, xxx-xx-xxxx
MICHAEL R. *ANDRIANI, JR., xxx-xx-xxxx
JOSEPH A. ANDRZEJEWSKI, xxx-xx-xxxx
JESSE L. ANGELL, xxx-xx-xxxx
JOHN R. ANGEVINE, xxx-xx-xxxx
ARTHUR L. *ANKLIN, III, xxx-xx-xxxx
DAVID E. ANSELM, xxx-xx-xxxx
JOHN F. ANTAL, xxx-xx-xxxx
RAOUL *ARCHAMBAULT, III, xxx-xx-xxxx
BRADLEY R. ARDNER, xxx-xx-xxxx
SCOTT L. *ARMBRISTEN, xxx-xx-xxxx
DONALD E. *ARNOLD, xxx-xx-xxxx
COLLIN E. ARRINGTON, xxx-xx-xxxx
RICHARD J. *ARTHUR, xxx-xx-xxxx
TIMOTHY R. ASCANTI, xxx-xx-xxxx
STEPHEN A. *ASHBY, xxx-xx-xxxx
KENTON L. ASHWORTH, III, xxx-xx-xxxx
JERRY A. ASLINGER, xxx-xx-xxxx
GLORIA A. ATKINSON, xxx-xx-xxxx
BASIL W. ATWOOD, JR., xxx-xx-xxxx
DONALD R. *AUGUSTINE, xxx-xx-xxxx
MELVIN C. *AUSTIN, xxx-xx-xxxx
WILLIAM T. AUTRY, xxx-xx-xxxx
REGINALD T. AVERY, xxx-xx-xxxx
CHARLES L. *AYCOCK, xxx-xx-xxxx
ROBERT H. AYCOCK, xxx-xx-xxxx
CHARLES S. BABE, JR., xxx-xx-xxxx
BYRON S. BAGBY, xxx-xx-xxxx
CHRISTOPHER L. BAGG, xxx-xx-xxxx
ALFRED T. *BAILEY, xxx-xx-xxxx
CARL D. *BAILEY, JR., xxx-xx-xxxx
GILBERT L. *BAILEY, xxx-xx-xxxx
JUNIOR C. *BAILEY, xxx-xx-xxxx
RAYMOND E. *BAILEY, xxx-xx-xxxx
ROBERT C. *BAILEY, JR., xxx-xx-xxxx
JOHN A. BAILIE, xxx-xx-xxxx
JOHN BAILLIE, III, xxx-xx-xxxx
BRUCE K. *BAKER, xxx-xx-xxxx
JAMES H. BAKER, xxx-xx-xxxx
ROBERT B. *BALDERSTON, xxx-xx-xxxx
JANET V. *BALDI, xxx-xx-xxxx
MARIE L. *BALDO, xxx-xx-xxxx
DONALD J. BALL, xxx-xx-xxxx
ROBERT L. BALL, xxx-xx-xxxx
WILLIAM C. BALL, xxx-xx-xxxx
JOHN L. BALLANTYNE, IV, xxx-xx-xxxx
JAMES B. BALLARD, xxx-xx-xxxx
ERNEST G. *BANASAU, JR., xxx-xx-xxxx
CORNELIUS A. BANISTER, xxx-xx-xxxx
ROBERT M. BANKNEY, xxx-xx-xxxx
GLENDA A. *BANKS, xxx-xx-xxxx
SAMUEL I. BANKS, xxx-xx-xxxx
RANDALL G. BANKY, xxx-xx-xxxx
PATTY S. *BARBOUR, xxx-xx-xxxx
WESLEY E. BARBOUR, JR., xxx-xx-xxxx
DONNA A. *BARBUSCHAR, xxx-xx-xxxx
MICHAEL R. *BAREFIELD, xxx-xx-xxxx
CHARMAINE E. *BARKER, xxx-xx-xxxx
ROBERT S. BARNES, xxx-xx-xxxx
LUKE J. BARNETT, III, xxx-xx-xxxx
VAUGHN D. BARNETT, xxx-xx-xxxx
HAZEN L. BARON, xxx-xx-xxxx
RICARDO S. BARRETT, xxx-xx-xxxx
STEVEN E. BARRETT, xxx-xx-xxxx
MICHAEL C. *BARRON, xxx-xx-xxxx
STEVEN A. BARROWS, xxx-xx-xxxx
CRAIG D. *BARTA, xxx-xx-xxxx
ARTHUR M. BARTLETT, xxx-xx-xxxx
CHARLES J. *BARTHEL, JR., xxx-xx-xxxx
DONNA J. *BARTHELE, xxx-xx-xxxx
JILL A. *BARTHOLOMEW, xxx-xx-xxxx
PHILIP G. *BASINGER, xxx-xx-xxxx

ROBERT C. *BASINGER, JR., xxx-xx-xxxx
ROGER S. BASS, II, xxx-xx-xxxx
CHRISTOPHER C. BATCHELDER, xxx-xx-xxxx
FREDERIC M. BATCHELOR, xxx-xx-xxxx
GERALD *BATES, JR., xxx-xx-xxxx
KEVIN C. BATTEN, xxx-xx-xxxx
WILLIAM C. *BATTERY, xxx-xx-xxxx
JAMES H. BATTLE, JR., xxx-xx-xxxx
HOWARD W. BAUM, III, xxx-xx-xxxx
AIVARS Z. BAUMANIS, xxx-xx-xxxx
ROBERT S. BAUTISTA, xxx-xx-xxxx
WILLIAM J. BAYLES, xxx-xx-xxxx
RONALD R. *BAYNES, xxx-xx-xxxx
JAMES M. *BEAGLES, xxx-xx-xxxx
THOMAS M. *BEAIRD, xxx-xx-xxxx
HAROLD G. *BEAL, III, xxx-xx-xxxx
VICKI L. *BEARD, xxx-xx-xxxx
ROLAND E. *BEASLEY, xxx-xx-xxxx
RONALD E. *BEASLEY, xxx-xx-xxxx
MICHAEL K. BEASOCK, xxx-xx-xxxx
MARK A. BEATTIE, xxx-xx-xxxx
ARLENE L. *BEATTY, xxx-xx-xxxx
ROBERT L. BEAVER, JR., xxx-xx-xxxx
GARRY J. BEAVERS, xxx-xx-xxxx
LEE J. BEAVERS, xxx-xx-xxxx
PATRICIA N. *BEAVERS, xxx-xx-xxxx
RICKY L. BECKHAM, xxx-xx-xxxx
JOHN C. *BEDNAR, xxx-xx-xxxx
THOMAS J. BEGINES, xxx-xx-xxxx
WILLIAM E. BEIL, JR., xxx-xx-xxxx
JAMES D. *BEIRNE, xxx-xx-xxxx
GERALD J. BELCHER, xxx-xx-xxxx
ALAN W. *BELL, xxx-xx-xxxx
ANTHONY C. *BELL, xxx-xx-xxxx
FRANCES L. *BELL, xxx-xx-xxxx
HIRAM *BELL, JR., xxx-xx-xxxx
ROBERT L. *BELLAMY, xxx-xx-xxxx
BILLY D. *BELTER, xxx-xx-xxxx
CHERYL L. *BELZ, xxx-xx-xxxx
JEFFERY C. *BEMIS, xxx-xx-xxxx
JOHN C. *BENDYK, xxx-xx-xxxx
RAY L. *BENEDICTUS, JR., xxx-xx-xxxx
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